

PUBLIC LAW BOARD NO. 2206

AWARD NO. 50

CASE NO. 40

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Burlington Northern, Inc.

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it assigned Machinist to repair the turntable at Alburn, Washington from September 12 to and including September 25, 1978. (System File S-P-177C)
- (2) That B&B Employees J.R. Mobley, A.G. Robinsin, K.C. Beazley, L.J. Schear, L.M. Richards, S.R. Fulkerson and Welder R.L. Michel be allowed twenty-four (24) hours each at their respective reates of pay for violation as referred to in part one (1) of claim.

OPINION OF BOARD:

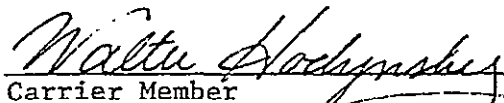
This claim alleges violation of Scope Rule rights of Claimants when Mechanical Department machinists, represented by IAMAW, performed certain work on the turntable at Alburn, Washington. Between September 12 and September 25, 1978 the machinists dismantled and replaced the drive wheel, idler wheel and journals on the turntable which is used to turn engines and align engines to certain tracks for entering the engine stalls in the round house. The repairs were made to the mechanism which revolves the turntable.

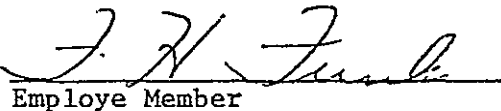
BMWE alleges that assignment of this work to other than employees covered by the BN/BMWE Agreement was a violation of Rules 1(c), 69(c), 55 and the Note to Rule 55. Carrier answers that the work at issue is not reserved exclusively for Claimants and has been assigned to machinists among others, including Maintenance of Way Employees all across the system. IAMAW was provided Third Party Notice, appeared at the Board hearing, and contended essentially that the work belongs exclusively to Mechanical Department machinists under Rules 27 and 51 of the BN/Shopcrafts Agreement.

The roundhouse and Alburn, Washington is at a point on territory formerly part of the Northern Pacific Railroad (NP). In our Award No. 21 (Case No. 5) we dealt extensively with the question of "pre-existing" Scope Rule rights with respect to work at Alburn, Washington performed by machinists and claimed by BMWE. We find nothing in the present case which could require a different analysis or result. Accordingly, for reasons developed fully in Award No. 21 the present case likewise is denied. See also, Award 20 of this Board.

AWARD

Claim denied.


Carrier Member


Employee Member


Dana E. Eischen, Chairman

Date: 10/7/19