

AWARD NO. 480

Case No. 480

Organization File No. LON402119

Carrier File No. 19-76413

PUBLIC LAW BOARD NO. 7163

PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION,
) INTERNATIONAL BROTHERHOOD OF TEAMSTERS
TO)
)
DISPUTE) CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM:

1. The Agreement was violated when the Carrier assigned Signal Department employees to perform Bridge and Building (B&B) Department work building and assembling two (2) picnic tables in Avon Yard in the vicinity of Mile Post QS 9.4, on January 22, 2019, instead of assigning B&B Subdepartment employee J. Wagner thereto (System File LON402119/19-76413 CSX).

2. As a consequence of the violation referred to in Part 1 above, Claimant J. Wagner shall now be compensated for ‘... eight (8) hours at his respective straight time rate of pay. Also, that all time be credited towards vacation and retirement. ***’ (Employees’ Exhibit ‘A-1’).

FINDINGS:

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 20, 2008, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.

On January 22, 2019, while Claimant was assigned as a B&B Mechanic on the Southwest Seniority District, four Signal Department employees at Avon Yard assembled two picnic tables. According to the Organization:


The work performed included the construction and mounting of tables. This carpentry work included the operation of hand tools and power tools. The Signal Department employees first constructed the tables, then used hammer drills to drill concrete anchors into the concrete floor where the tables were to be placed and lagged them down.

The Organization argues this work, which took two hours, or a total of eight hours, to perform, was work that is reserved to the BMW-represented employees. It cites the Scope Rule, reading, in pertinent part, as follows:

The following work is reserved to BMW members: all work in connection with the construction, maintenance, repair, inspection or dismantling of track, bridges, buildings, and other structures or facilities used in the operation of the carrier in the performance of common carrier service on property owned by the carrier. This work will include . . . rough and finish carpentry work; concrete and masonry work . . . and other work customarily and traditionally performed by BMW represented employees.

It is the Board's conclusion that the Organization has not shown that the work performed by the Signal Department employees involved "track, bridges, buildings, and other structures." Nor has the Organization shown that there has been a long-standing, system-wide practice of its members assembling picnic tables to the exclusion of all other Carrier employees. This is not to say that the Carrier may not assign this work to B&B employees; it just does not have to do so. The Agreement was not violated.

AWARD: Claim denied.


Barry E. Simon
Chairman and Neutral Member


Ross Glorioso
Employee Member


John Nilon
Carrier Member

Dated: 1/12/2022
Arlington Heights, Illinois