

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 3
Case No. 3

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

CSX Transportation, Inc. (Former Louisville and
Nashville Railroad Company)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier assigned Welder D. E. Rich and his helper M. R. Pinkley to perform trackman's work (cleaning and salting switches) on the Memphis/Bruceton Subdivision on January 18, 1994 and to repair a derailment at Mile Post 95.0 in Bruceton Yard on January 19, 1994 [System File 14(8)(94)/12(94-0456) LNR].

2. As a consequence of the violation referred to in Part (1) above, Track Repairmen L. L. Dickson and J. B. Grooms shall each be allowed eight (8) hours' pay at their respective straight time rates and four (4) hours' pay at their respective time and one-half rates for the time expended by the Welding Subdepartment employees performing Track Subdepartment duties."

FINDINGS:

This Board, upon the whole record and all of the evidence, finds and holds as follows:

1. That the Carrier and the Employees involved in this dispute are, respectively, Carrier and Employees within the meaning of the Railway Labor Act, as amended,; and

2. That the Board has jurisdiction over this dispute.

OPINION OF THE BOARD:

This dispute involves allegations that the Claimants, in their capacity as Trackmen, should have received work assignments that


Welders received to clean and salt switches and to repair a derailment.


Pursuant to Rule 3, Trackmen belong to a different subdepartment than Welders. Rule 30 addresses the distribution of overtime by requiring that employees register a telephone number with the Carrier so that the Carrier can comply with the requirement of making a reasonable effort to contact the senior employee when overtime becomes available.


With respect to both claims in this particular case, the record omits any persuasive evidence that the Trackmen had exclusive jurisdiction over the disputed work performed by the Welders. In the absence of such persuasive proof, the Board lacks the authority to sustain either of the Organization's claims.

AWARD:

The Claim is denied in accordance with the Opinion of the Board.


Robert L. Douglas
Chairman and Neutral Member


Donald D. Bartholomay
Employee Member


Patricia A. Madden
Carrier Member

Dated: 12/3/98