

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 131

Docket No. 136

PARTIES: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

TO :

DISPUTE: CHICAGO & NORTH WESTERN TRANSPORTATION CO.

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
that:

1. The Carrier violated the Agreement when on December 17, 18, 19, 1985, it assigned the Sioux City Retirement Crew which is in the Track Subdepartment to remove mud, dirt and ice from a turntable adjacent to the Diesel Shop in Sioux City, Iowa, instead of assigning the B & B Crew which is in the B & B Subdepartment (Organization File 4LF-2117T; Carrier File 81-86-53).
2. Claimants D.J. Rife, Jr., M.G. Blackley, R.G. Haner, J.D. Isbell, and P.J. Gantnier shall each be allowed an equal and proportionate share at their applicable straight time rates of the ninety (90) man hours expended by the Sioux City Retirement Crew.

FINDINGS:

Claimants were employed by Carrier and were all assigned to their respective positions on the B & B Crew within the B & B Subdepartment. The Organization contends that the Carrier violated the Agreement by assigning work that is historically and traditionally performed by employees of B & B Subdepartment to Track Department employees. The claim was denied and has resulted in the dispute being placed before this Board.

This Board has reviewed the record in this case and we find that the cleaning of snow and ice from a turntable circle track is not exclusively the work of B & B Department employees. Therefore, the Carrier did not violate the Agreement by having other employees who are represented by this Organization perform the work of cleaning winter debris, including snow and ice, from the track in question.

The Organization is correct that the servicing and maintenancing of the turntable at Sioux City is the work of the B & B Department. However, seasonal activity of cleaning winter debris is not reserved to a single group of BMW employees. Often, cleaning of winter debris is incidental to the work being performed and the record demonstrates that it has been assigned to various employees on the basis of availability.

The Organization has not met its burden of proof in this case. Therefore, the claim must be denied.

AWARD


Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: NOV 28 1989