

Award No. 6141
Docket No. 5964
2-N&W-CM-'71

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Norfolk & Western Railway Company violated the controlling agreement and past practice of long standing when on the respective dates of May 6, 1968, May 23, 1968 and June 3, 1968, Car Repairmen were taken out of the Shop and off their regular assignments, after beginning their tour of duty, and put to work making air brake inspection on trains in the Yard, while other employes performed the work of said Car Repairmen's regular assignments on the Shop Track, thus discriminating against said Shopmen and, in effect, nullifying their seniority right to bid on the type of work preferred.

2. That any such extra inspection work as was necessary to be done in the Yard on said dates should have been done by the Yard Inspectors regularly assigned to and available and eligible for such inspection work, from the train yard extra and overtime board and, that since this was not done, that regularly assigned yard inspectors G. W. Kirk, C. W. McKinney, C. J. Bickford and R. M. Lawrence, Sr., who were available and eligible for such extra work from the train yard extra and overtime board, should be allowed a call or two (2) hours and forty (40) minutes each at the punitive rate of pay because of such violation and loss.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing.

The parties and the issue presented are identical to those contained in our Award 6137. We adopt the reasoning of that award and will deny the claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 21st day of April, 1971.