

Award No. 5149
Docket No. 4950
2-CRR of NJ-SM-'67

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Ben Harwood when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 72, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Sheet Metal Workers)

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

DISPUTE: CLAIM OF EMPLOYEES:

(a) That the Carrier violated the controlling agreement and particularly Rules 18 and 76 thereof, between the Central Railroad Company of New Jersey and System Federation No. 72, when they assigned employees from another Department to perform Sheet Metal Workers' work of installing an extension of Propane and Oxygen pipe lines from the Freight Car Strip Track to another track where freight cars are scrapped with parts salvaged.

(b) That this claim is a continuing claim and will continue until satisfactorily disposed of in its entirety.

(c) That Claimants name herein be compensated at their regular established hourly pro rata rate of pay, as follows:

W. Gerhardt	32 hours	A. Barna	32 hours
N. Riccardi	8 hours	J. Crochunis, Helper	16 hours

(d) That all work in shops, yards and buildings as herein or after referred to; and as contained in Sheet Metal Workers' Special Classification of Work Rule No. 76 be properly assigned to employees of the Sheet Metal Workers' craft.

EMPLOYEES' STATEMENT OF FACTS: The Central Railroad Company of New Jersey, hereinafter referred to as carrier, maintains at Elizabeth, New Jersey, modern shop facilities for the repair and servicing of its rolling stock and the shop here involved, is identified as the Elizabethport Freight Car Shop. Sheet metal workers and helpers are regularly employed in the Elizabethport Shops by Carrier, to perform all sheet metal workers' work arising at the point.

tenance of way employees have performed such work as previously referred to herein, carrier submits that the organization cannot be credited as establishing a prima facie case that sheet metal workers have historically and customarily been consistently assigned such work to the exclusion of maintenance of way employees.

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 thereon.

The Complaint here alleges a state of facts concerning installation of pipe lines essentially similar to the facts alleged in that connection in Award No. 5148, and here again it is charged that there was a violation of Rules 18 and 76 of the controlling agreement. For the reasons stated in said Award No. 5148, the disposition of this Complaint must be the same

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 28th day of April, 1967.