

Award No. 5150
Docket No. 4951
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, when they assigned employes from another department to perform Sheet Metal Workers' work of repairing an oil pipe line to the fuel station at Elizabethport Locomotive Shop, Saturday, February 15, 1964.
- (b) That the claimants, H. Bush, Sr. and J. Petorsky, Sheet Metal Workers employed at Elizabethport Shop, be compensated to the extent of eight (8) hours each at the rate of time and one-half for work performed on Saturday, February 15, 1964.
- (c) That the Carrier violated the controlling agreement and particularly Rules 18 and 76 thereof, when they assigned employes from another department to perform Sheet Metal Workers' work of repairing Sheet Metal Workers' work on the same oil pipe line to the fuel station at Elizabethport Shop on Monday and Tuesday, February 17 and 18, 1964.
- (d) The Employes request that claimants, C. Zampetti, E. Kosinski, B. McDonald and J. Shea, be compensated to the extent of eight (8) hours for each named claimant at their regular established pro rata hourly rate of pay for the work performed by other than Sheet Metal Workers on Monday and Tuesday, February 17 and 18, 1964.

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 thereon.

Again, in this dispute, we are asked to consider a Complaint charging violation of the same rules of the same agreement under a state of facts which in no essential way differs materially from that which concerned pipe line repairs and installations in Awards Nos. 5148 and 5149. For the reasons stated in Award 5148, this claim cannot be sustained.

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.