

Award No. 6138
Docket No. 5959
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 Carrier violated the Current Agreement of January 1, 1943 as subsequently amended and, past practice of long standing when on the respective dates of March 11, 1968, March 20, 1968 and March 21, 1968, regularly assigned Welders and Car Repairers were taken out of the Shop and off their regular assignments as such, after beginning their tour of duty and put to work making terminal inspection of trains and cars in the yard, while other employes performed the work of their assignments on the Shop track, thus discriminating against said Welders and Car Repairers and, in effect nullifying their seniority right to bid on the type of work preferred.

2. That any such extra inspection work that was necessary to be done, should have been done by the Yard Inspectors, regularly assigned to such work and available from the Train Yard extra and overtime board and, that since this was not done, regularly assigned Yard Inspectors J. E. Porterfield, A. C. Lilly, G. W. Saunders, B. B. Noble and C. J. Bickford, who were available and eligible for such work, from the Train Yard extra and overtime board on the respective dates, each be allowed a call, or two (2) hours and forty (40) minutes at the punitive rate of pay, due to one car shop man performing extra yard inspecting on March 11, two on March 20 and two on March 21, 1968.

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.

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.