

Award No. 6139
Docket No. 5960
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 and Western Railway Company violated the controlling Agreement of January 1, 1943, as subsequently amended, between the Virginian Railway Company and the employes represented by System Federation No. 40, now under the jurisdiction of System Federation No. 16, and past practice of long standing, when on the respective dates of March 22 and April 18, 1968, a Helper Car Repairer was taken out of the Shop and off his regular assignment after beginning his tour of duty and put to work oiling and blue flagging trains, in the train yard while other employes performed the work of their regular assignments on the Shop Track, thus discriminating against said Helper Car Repairers and in effect nullifying their seniority right to bid on the type of work preferred.

2. That any such extra oiling and blueing as was necessary to be done, should have been done by the Helper Car Repairers regularly assigned to such work and available and eligible from the Train Yard extra and overtime board, and that since this was not done, that regularly assigned oiler and blue employes L. L. Mills and W. R. Cooper, who were available and eligible for such extra work, from the train yard and overtime board, each be allowed eight (8) hours at the time and one-half rate of pay because of such violation.

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.