

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 7058
Docket No. 6598-T
2-SLSF-SMW-'76

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association
(A. F. of L. - C. I. O.
(
(St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That the St. Louis-San Francisco Railway Company violated the controlling agreement, particularly Rule 94 at Springfield, Missouri on August 22, 1972 when they assigned Carmen and Laborers the duties of plugging the openings, filling tanks with water, applying blind gaskets and plugs after pressure had been applied, to the following tank cars:

| | | | |
|---------|---------|---------|---------|
| #191004 | #191052 | #191101 | #191081 |
| #191045 | #191048 | #191014 | #191057 |
| #191110 | #191095 | #191050 | #191117 |
| #191044 | #191039 | #191008 | #191076 |
| #191094 | #191021 | #191050 | #191029 |
| #191110 | #191087 | #191015 | #191080 |
| #191052 | #191122 | #191079 | #191045 |
| #191061 | #191021 | #191024 | |

2. That accordingly the St. Louis-San Francisco Railway Company be ordered to compensate Sheet Metal Worker D. E. Snodgrass for four (4) hours at the pro rata rate of pay for each such violation or for one hundred twenty-four (124) hours.

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 were given due notice of hearing thereon.

It is clear that the factual circumstance as presented involves a jurisdictional dispute between three organizations as to who is entitled to perform the work in question.

Rule 51 provides an inter-organizational vehicle to resolve such disputes before coming to this Board. Failure or refusal to proceed under Rule 51 preliminarily prevents this Board from assuming jurisdiction to consider the merits. Second Division Awards No. 6759, 6763 and 6864.

A W A R D

Claim dismissed for lack of jurisdiction.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 21st day of May, 1976.