

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 4, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Boilermakers)
(
(The Chesapeake and Ohio Railway Company

Dispute: Claim of Employees:

1. That the Current Agreement was violated during March and April, 1974, when the Carrier assigned other than Boilermakers to fabricate the frames for two (2) self-propelled spike distributing machines at Barboursville, West Virginia, Maintenance of Way Shop.
2. That accordingly the Carrier be ordered to compensate Boilermakers E. V. Gibson and J. E. Morris fifty-two (52) hours pay each at the applicable pro rata rate.

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 Organization (Boilermakers) claims that the Carrier wrongfully assigned the work of fabricating the frames of two self-propelled spike distributing machines to another craft (Machinists).

The Organizations relies on excerpts from Rule 79, its Classification of Work Rule, but a reading of the entire Rule discloses no specific inclusion of the work involved.

While the record indicates that identical work had not previously been performed at the particular location, the Carrier stated without contradiction that work of a closely similar nature had been assigned repeatedly to Machinists in the past.

The Organization produced no evidence to show that the Carrier had unilaterally changed an established assignment of work. Absent such showing, this matter becomes a jurisdictional dispute, governed by Supplement 6 of the Agreement to which both the Boilermakers and the Machinists are parties. Supplement 6 reads in part:

"... in the event of a jurisdictional dispute between crafts, that this dispute must be taken up between the crafts involved before such dispute is handled with Management."

Since the Organization has not complied with this procedure, the matter is prematurely before this Board and must, therefore, be dismissed. See, among many others, Awards No. 6824 (O'Brien), 6872 (Twomey), and 7059 (Zumas).

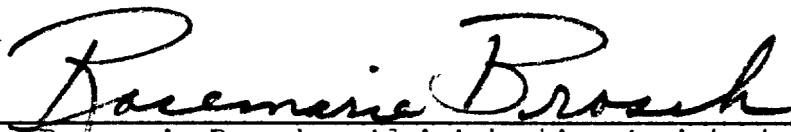
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 17th day of May, 1977.