

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: ( International Association of Machinists and  
 ( Aerospace Workers  
 ( Chesapeake and Ohio Railway Company

Dispute: Claim of Employees:

1. That the Chesapeake and Ohio Railway Company continues a violation of the controlling Agreement by assigning other than Machinists to perform work which accrues to the Machinist Craft.
2. That, accordingly, Machinist C. Mazzone and Machinist Helper J. Carter should be compensated at the pro rata rate of pay, on an hour per hour basis, until such time the violation is arrested.

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.

This is a claim based upon the alleged improper assignment of work reserved to the Machinists to Carmen in violation of the agreement between the carrier and the organization. A third party notice was served on the carmen who filed submissions in the case.

At the outset the carrier alleges that the organization has not complied with the provisions of the applicable agreement with regard to jurisdictional disputes. Supplement No. 6 to the Shop Crafts Agreement, which is executed by both the machinists and the carmen, provides that jurisdictional disputes between the crafts must be taken up between the crafts involved prior to such dispute being handled with the management of the carrier. The carmen have joined in this procedural defense.

While the machinists argue to the contrary, this is without question a jurisdictional dispute, both crafts claiming the work in question. The procedure agreed upon among the parties for the resolution of jurisdictional disputes must be followed. This was not done in the instant case in that the matter was not taken up between the machinists and the carmen prior to the progression of the claim on the property. This matter is prematurely before this Board and is accordingly dismissed. See Award No. 7296.

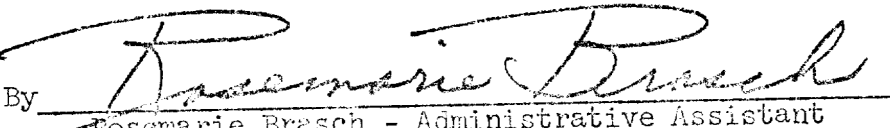
A W A R D

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 1st day of November, 1978.