

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association
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(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, particularly Rule 65, when on January 9, 1978, other than Sheet Metal Workers were assigned the disconnecting and connecting of fuel, water and oil lines on Numbers 4, 5, 6, 8, and 10 assemblies on Engine 3206, Fort Worth Diesel Shops, Fort Worth, Texas.
2. That accordingly the Missouri Pacific Railroad Company be ordered to compensate Sheet Metal Worker Mike Gillie four (4) hours at the pro rata rate of pay for 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.

This case comes to us as a result of the carrier's assigning work involving the disconnecting and connecting of fuel water and oil lines on 4-5-6-8-10 assemblies on Engine 3206. The organization alleges that carrier violated Rule 65 of the controlling agreement by assigning this work to machinists. When confronted with a claim, the carrier argued that Rule 65 was not violated and that the work was assigned under the incidental work rule.

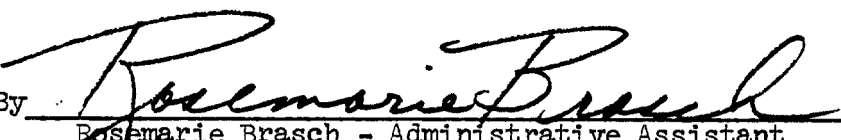
This Board has reviewed the record before it and must conclude that this case, as well as any cases that might arise involving jurisdiction and incidental work rules, should be handled according to the agreement that established the National Dispute Committee. This agreement was developed by the parties with the objective of expediting the settlement of such disputes. For the organization to pursue this case through the normal channels of the National Railroad Adjustment Board can only delay settlement. This Board has consistently deferred to special dispute resolution procedures established by the parties and must do so in this instance. For these special dispute resolution procedures to work, they must be utilized in a timely and efficient manner.

A W A R D

This Board has no jurisdiction in this case. This case must be resubmitted to the National Dispute Committee, as required by the June 5, 1972, letter of agreement.

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 16th day of April, 1980.