

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Nimpson R. Canipe, Jr.
(William C. White

Parties to Dispute: (

(Southern Railway Company
(Sheriff Incorporated of Kingsport, Tennessee

Dispute: Claim of Employees:

1. Whether employees of Sheriff Incorporated, located in Kingsport, Tennessee, are entitled to use their years of service with Sheriff Incorporated towards railroad retirement and whether it was error for Sheriff Incorporated not to maintain these employees in the railroad retirement program.

2. Whether employees of Sheriff Incorporated, located in Kingsport, Tennessee, are entitled to use their years of service with Sheriff Incorporated in determining seniority rights and vacation rights in their new jobs with Southern Railway.

3. Whether it was proper for Southern Railway and Southern's unionized crews to take the Kingsport to Friscoe Yard to Kingsport run away from Sheriff Incorporated, a non-union affiliate of Southern Railway and give the same run to Southern's unionized crews.

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 employes 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.

The Board has thoroughly examined the Submissions of the parties and has considered the oral arguments made before us. We note that the issues in the Claim before us are identical to those decided in First Division Award No. 23760. We find, as in that Award, that the Claim cannot be sustained, chiefly because it was not handled in the usual manner on the property pursuant to Circular No. 1 and Section 153 (First)(i) of the Railway Labor Act. Moreover, our review finds no contractual support under the facts of record for this Claim. Accordingly, in view of the foregoing, the Claim is dismissed.

Form 1
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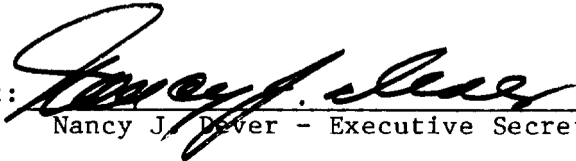
Award No. 11161
Docket No. 10758-I
2-SOU-I-'87

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 18th day of February 1987.