

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12485
Docket No. 12124-T
92-2-90-2-259

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division TCU
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(Southern Railway Company

STATEMENT OF CLAIM:

1. That the Southern Railway Company violated the terms, conditions and provisions of the controlling Agreement on July 20 and 21, 1989 at Hayne Car Shop, Spartanburg, South Carolina. Specifically, they violated Rule 132 (Classification of Work Rule) when they assigned a machinist to perform Carmen Painters' work by preparing the surface and priming with paint the winch drum, motor mounts and limit switch brackets for the car pulled on the rabbit track.

2. That accordingly, the Southern Railway Company now be ordered to provide relief in the amount of three (3) hours pay at the pro rate rate for July 20 and 21, 1989 for furloughed Painter R. W. Spake, Spartanburg, South Carolina.

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 waived right of appearance at hearing thereon.

As Third Party in Interest, The International Association of Machinists and Aerospace Workers was advised of the pendency of this dispute and filed a Submission with the Division.

On July 20, 1989, Carrier assigned members of the Machinist craft the work of overhauling the car puller system winch assembly at its Spartanburg, South Carolina, centralized heavy repair shop. The Carman's Organization filed the instance claim contending that work connected with preparation,

priming and painting of associated components of the winch assembly was work which was required to be completed by Carmen Painters. Carrier defends against the claim on a variety of grounds, but mainly on the basis that a jurisdictional work issue is involved which must be addressed by the procedures of the November 23, 1946 Memorandum of Understanding, which was not done.

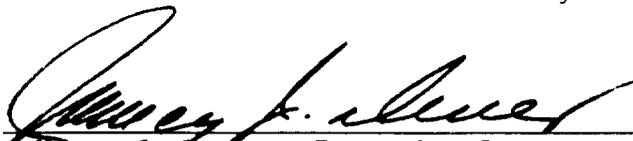
This Board has issued many awards on this property, involving all of its Shop Craft Organizations, which have concluded that we are precluded from considering competing claims covered by the 1946 Disposition of Jurisdictional Disputes Memorandum of Understanding. The instant claim is manifestly one which falls within the scope of that Memorandum of Understanding. Accordingly, we are unable to accept jurisdiction. See Second Division Award 12086, 7198, 7147 and 6809.

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 November 1992.