

Award No. 2668

Docket No. 2513

2-CGW-FT-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

CHICAGO GREAT WESTERN RAILWAY COMPANY
SYSTEM FEDERATION NO. 73, RAILWAY EMPLOYEES'
DEPARTMENT, AFL (Federated Trades)

DISPUTE: CLAIM OF CARRIER:

(5) Claim that the Carrier is contracting work covered by and in violation of the Scope Rules in the Shop Craft Agreement.

CARRIER'S STATEMENT OF FACTS: Above claim was included in Strike Docket and Ballot dated January 30, 1956, which was actually submitted to the employees April 5, 1956. Parties were unable to compose their differences in conference during period July 9 to 12, inclusive, 1956, and carrier was notified on July 13, 1956, that the labor organizations, parties to this claim, had "set a strike date for seven A. M. Central Standard Time, July 18, 1956", at which time employees represented by the organizations would cease work for the carrier.

Claim is predicated upon special rules of the involved craft (in this case Rule 100 of Electrical Workers' Special Rules) and Rule 24 of agreement (hereinafter referred to as Shop Crafts' Agreement) effective February 1, 1924 (Reprinted June 1, 1954) between the Chicago Great Western Railway Company and employees represented by organizations composing System Federation No. 73, reading as follows:

"(a) None but mechanics or apprentices regularly employed as such shall do mechanics' work as per special rules of each craft, except foremen at points where no mechanics are employed.

"(b) This rule does not prohibit foremen in the exercise of their duties to perform work.

"(c) At outlying points (to be mutually agreed upon) where there is no sufficient work to justify employing a mechanic of each craft, the mechanic or mechanics employed at such points will, so far as capable, perform the work of any craft that may be necessary."

First (i) of the Railway Labor Act, as Amended, they are not properly referable to your Board.

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.

The parties to said dispute were given due notice of hearing thereon.

Disposition of this claim is governed by our Award No. 2664 (Docket No. 2509).

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of November, 1957.