



Award No. 5940

Docket No. 5846

2-IC-EW-'70

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division Consisted of the regular members and in addition Referee Paul C. Dugan when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99,
RAILWAY EMPLOYEES' DEPARTMENT, A.F.L.-C.I.O.
(ELECTRICAL WORKERS)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Carrier violated the current agreement on the Northern Lines on or about December 15, 1967, and subsequently thereto, when it allowed Western Union Employes, other than Electrical Workers covered by the Agreement, to come on the Illinois Central Railroad Company property and take down line wire off the Carrier's owned pole lines.
2. That accordingly, the Carrier be ordered to additionally compensate the Electrical Workers (Section Linemen) listed below at the pro rata rate for all hours worked, or in the amount of money enjoyed by the Western Union Employes performing this work up to the date the violation is corrected as this is a continuing claim.

L. W. Crowell H. E. Coomer

R. W. Bailey

D. F. Slayback P. E. Treece

H. G. Wills

P. N. Toller K. M. Thornton (lineman Helper)

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 dispute is similar to the facts and issues involved in Award 5939, and in said Award we held that jurisdiction over such a dispute as involved herein rests "exclusively" with the Special Board of Adjustment No. 570 under the provisions of Article II, Sections 1 and 8 of the September 25, 1964 Agreement. Therefore, we are compelled to dismiss this claim without prejudice for want of jurisdiction.

A W A R D

Claim dismissed without prejudice.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

**ATTEST: E. A. Killeen
Executive Secretary**

Dated at Chicago, Illinois, this 20th day of May, 1970.