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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6534  
Docket No. 6351  
2-LI-EW-'73

The Second Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

Parties to Dispute: ( System Federation No. 156, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Electrical Workers)  
(  
( Long Island Railroad Company

Dispute: Claim of Employees:

1. That the Carrier failed to disallow an appeal within the sixty (60) days. Therefore, the claim as presented should be allowed.
2. Claim as presented:
  - (a) That Management violated the current agreement by assigning to other than Electricians (Bonders) of the Maintenance of Way Department work belonging to Electricians (Bonders) by agreement.
  - (b) That two (2) Electricians (Bonders), Mr. George Bazazian, Mr. S. Mistretta or Mr. George Palmore be paid eight (8) hours for each at time and one half at their rate of pay for the following days:  
June 23, 1971, July 20, 21, 26, 27, 28, 30, 1971,  
August 3, 4, 9, 1971.

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 employees 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 were given due notice of hearing thereon.

The claim in this matter alleges that track employees engaged in removing bonds and putting in temporary bonds on running rails on the Port Jefferson Branch of Carrier on certain days during June, July and August of 1971. Petitioner claims that this type of work has always been performed by electricians of the Maintenance of Way Department. The Organization argued from the inception of the claim that:

"(a) That Bonding is work covered by Electricians Special Rules, Rule No. 37.

(b) That management by its action has violated Article II Assignment of Work of the Mediation Agreement Case No. A-7418 of June 30, 1965 . . . ."

Article V of the Agreement of June 30, 1965 provides for resolution of disputes arising under that Agreement by a Special Board of Adjustment. The significant sections of that Article read:

"ARTICLE V - RESOLUTION OF DISPUTES:

Section 1. In the event a dispute arises out of the application and/or interpretation of the terms of this agreement which cannot be resolved, it will be submitted to the Director of Personnel by the General Chairman. If the dispute cannot be resolved by the Director of Personnel and the General Chairman, it shall be progressed to a Special Board of Adjustment established herein for final adjudication.

Section 2. Establishment of Shop Craft Special Board of Adjustment

In accordance with the provisions of the Railway Labor Act, as amended, a Special Board of Adjustment, hereinafter referred to as 'Board', is hereby established for the purpose of adjusting and deciding disputes which may arise under this agreement. The parties agree that such disputes are not subject to Section 3, Second, of the Railway Labor Act, as amended.

Section 8. Jurisdiction of Board

The Board shall have exclusive jurisdiction over disputes between the parties growing out of grievances concerning the interpretation or application of this agreement."

The language quoted above indicates that the parties have carefully provided for specific machinery for the resolution of disputes arising under the June 30, 1965 Agreement and further that they have removed such disputes from the jurisdiction of this Board. For this reason we cannot consider any other contentions of the parties and must dismiss this claim for want of jurisdiction

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(See Awards 6102, 5938, 5941, 6086 and Third Division Awards 16924 and 17988 among others).

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 26th day of June, 1973.