

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (International Association of Machinists
and Aerospace Workers
St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

- (a) On Monday, February 18, 1974, Foreman John Crabtree called in at 12:00 midnight, one electrician, Lou Herdon, three carmen, Larry Parrish, John Butler and Billy D. Stewart, to work on Holmes Wrecker Crane RC-60-2 to do the following work:

1. Installed an O'Nan engine and generator unit for use with an electro-magnet.
2. Installed electric cable reel on crane boom.
3. Made up and installed on the rear end of the Holmes Wrecker Crane RC-60-2 a coupling device for lowering cars and equipment while wrecker crane is set up and operating on rail.
4. The men mentioned above also did some straightening and welding work on the rear track guide carriage.

These men were called in by Foreman John Crabtree, not by the Committeeman.

They worked a total of 11 hours each.

- (b) Under Rules 31(a) and 53 we claim 11 hours each at time and one half at the current rate for the following machinists:

Leon Bruegman, Coy Blakemore and Estel Whitehead. These machinists should have been called to perform this work.

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.

A review of the record shows a number of issues raised by the Carrier, including the time limit issue, Scope Rule coverage of the Agreement, and the involvement of other crafts in the dispute.

Without passing upon the other issues raised, it is clear that the factual circumstances as presented involve a jurisdictional dispute between three Organizations as to who is entitled to perform the work in question.

Rule 51 of the Agreement provides an inter-organizational vehicle to resolve such disputes before coming to this Board. Failure or refusal to proceed under Rule 51 preliminarily prevents this Board from assuming jurisdiction to consider the merits. Second Division Awards 7092, 7059, 7058, 6872, 6864.

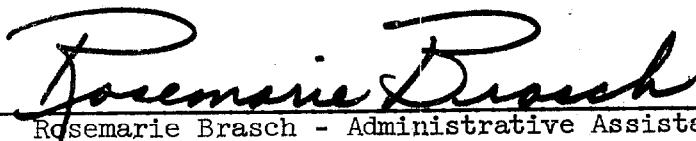
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 29th day of October, 1976.