

The Second Division consisted of the regular members and in addition Referee Abraham Weiss when award was rendered.

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

- (1) That the Missouri Pacific Railroad Company violated Article V of the Agreement of January 12, 1976 when they contracted out wrecking service on the Missouri Pacific Railroad to the Houston Belt and Terminal Railroad Company, October 31, 1976, on the mainline just north of the Settegast Train Yard, Houston, Texas. The Houston Belt and Terminal Railroad wrecking crew worked from 11:45 P.M., October 31, 1976 until 8:00 A.M., November 1, 1976.
- (2) That the Missouri Pacific Railroad Company be ordered to compensate Carmen A. Zatopek, W. C. Barber, J. E. Culley, F. Lopez, and R. O. Wilson in the amount of eight (8) hours and fifteen (15) minutes at the punitive rate account of this violation.

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.

Petitioner asserts that Carrier violated the provisions of Article V of the Agreement effective January 12, 1976 when on October 31, 1976 the rerailling of four freight cars was contracted to the Houston Belt and Terminal Railroad.

The parties and applicable Agreements are identical to those recently considered by this Division in Award 7745 (Roukis). Only the date of the occurrence differs.

This Division held in Award 7745 that Article V of the Agreement effective January 12, 1976, on which Petitioner relied during the processing of the claim on the property, amended a prior Agreement which established a Special Board of Adjustment with exclusive jurisdiction over disputes involving subcontracting. Accordingly, in light of the exclusive jurisdiction over such disputes vested in the Special Board of Adjustment, the Division dismissed the claim for lack of jurisdiction. We concur in the reasoning, findings and conclusions set forth in Award 7745.

A W A R D

Claim dismissed for lack of jurisdiction.

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 4th day of January, 1979.