

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

(Brotherhood Railway Carmen of the United States  
( and Canada

Parties to Dispute: (

(Burlington Northern Railroad

Dispute: Claim of Employes:

1. That the Burlington Northern Railroad violated the terms of the controlling Agreement, specifically Rules 27(a), 83 and 98(c), when they assigned Carmen's Class of Work to members of the International Association of Machinists and Aerospace Workers.

2. That, accordingly, the Burlington Northern Railroad be ordered to compensate Rocky Mountain District Carman Randy B. Dawson four (4) hours pay at his respective pro-rata rate.

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 employes 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.

As third party in interest, the International Association of Machinists and Aerospace Workers was advised of the pendency of this case, and has chose to file a Submission with the Division.

This Claim arose after the Carrier assigned one of its Machinists to the task of stenciling finished wheel assemblies with a number and the Manufacturer's name on the wheel assembly. This is the sum total of the claimed work.

The Carmen assert that the work at issue is exclusive to its craft. In so contending, it provides extensive reasons in the record and relies upon Rules 27, 83 and 98(c) of the parties' Agreement.

The Carrier has dismissed the Claim, essentially maintaining that what occurred followed past practice. The Carrier also observed that Machinists are Mechanics and that they were performing work of their craft.

The International Association of Machinists and Aerospace Workers, a third party of interest, has asserted to this body that the work at issue herein, is covered by its classification of work Rule 51.

The Board finds that, as a threshold issue, Rule 93 of the Shop Crafts Agreement is applicable to this case. This Rule, in pertinent part, reads:


"Any controversies as to craft jurisdiction arising between two or more of the organizations parties to this agreement shall first be settled by the contesting organizations, and existing practices shall be continued without penalty until and when the Carrier has been properly notified and has had reasonable opportunity to reach an understanding with the organization involved."

Therefore, the Claim before us is a jurisdictional issue that the parties apparently have failed to settle, pursuant to the requirements of Rule 93. Accordingly, we have no choice but to dismiss the Claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:   
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1987.