

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 11472  
Docket No. 11264-T  
88-2-86-2-70

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(Brotherhood Railway Carmen of the United States  
( and Canada

PARTIES TO DISPUTE: (

(Southern Railway Company

STATEMENT OF CLAIM:

1. That the Carrier violated the controlling Agreement when work belonging to the Carmen's Craft was improperly assigned to the Machinists' Craft at Coster Shop, Knoxville, Tennessee from September 17, 1984 through October 3, 1984.

2. That accordingly, the Carrier be ordered to compensate Carmen W. F. Phillips and W. M. Hansard for one hundred and four (104) hours pay each at the straight time 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 were given due notice of hearing thereon.

As Third Party in Interest, the International Association of Machinists and Aerospace Workers was advised of the pendency of this dispute and filed a Submission with the Division.

Claimants are employed as carmen by Carrier at its Coster Shop in Knoxville, Tennessee. From September 17, 1984, through October 3, 1984, Carrier assigned machinists to build a truck stand to be used at the Coster Shop. The Organization thereafter filed a claim on Claimant's behalf, challenging Carrier's use of machinists to perform this work.

This Board has reviewed the record in this case, and it is evident that the case involves a jurisdictional dispute since two or more crafts are claiming the same work. Under the definition agreed to by the parties in the November 23, 1946, Memorandum of Understanding, when a jurisdictional dispute exists, then that dispute must be handled in accordance with the mandatory provisions of that Agreement. This Board is without jurisdiction to involve itself in jurisdictional disputes. (See Awards 6809, 7198, and 7199.) In keeping with the many previous Awards on this issue, this Board finds that resolution may be sought by the Organization only through the Memorandum of Understanding and not from this Board. Therefore, the claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Deves - Executive Secretary

Dated at Chicago, Illinois, this 11th day of May 1988.