

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: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

1. That the Atchison, Topeka and Santa Fe Railway Company violated the controlling Agreement, specifically Rules 98(a) and 114, when it continued to improperly and arbitrarily assign other than employees of the Carman Craft to perform the work of cutting, bending, shaping, welding and otherwise preparing various car parts to be used on Freight Cars.

2. That accordingly, the Atchison, Topeka and Santa Fe Railway Company be ordered to compensate the following Carmen in the amount of eight (8) hours per day, retroactive to October 13, 1984, at the pro rata rate of pay and to continue in like amount until payment and correction are made:

L. E. Williams	J. M. Lopez	L. D. Radabaugh
A. Perez	J. R. McBee	J. R. Parsons
R. L. Bailey, Jr.	J. R. Duran	L. E. Penrod
D. L. Knutsen	T. W. Turner	W. J. Graber
P. Mendoza	L. E. Myers	K. E. Hoobler
S. Deghand	L. D. Dexter	G. Montgomery
T. Deghand	T. Ramos	P. H. Mulryan
J. P. Torrez	R. P. Mulryan	
E. L. Gerhardt	T. C. Torres	

and:

3. That the Atchison, Topeka and Santa Fe Railway Company also be ordered to immediately discontinue assigning the work of fabricating, cutting, welding, bending, shaping or otherwise preparing all steel car parts for freight and/or passenger cars, to other than employees of the Carman craft for the purpose of building, rebuilding or repairing of freight and/or passenger cars.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

The claim disputes the Carrier's assignment of employees not belonging to the Carman's Craft to perform work mainly concerned with the cutting, bending, shaping and welding of railroad car parts.

Pursuant to Section 3, First (j) of the Railway Labor Act, as amended, notice was given to the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers of this claim as a possible party of interest. That Organization has filed a statement of interest in this matter, which is now a part of the record.

The Board has carefully reviewed the lengthy record and finds, on the basis of this review, that the claim must be dismissed because it was not handled in accordance with Rule 114 which reads:


"Any controversies as to craft jurisdiction arising between two or more of the following Organizations: International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers International Association; International Brotherhood of Electrical Workers and Brotherhood Railway Carmen of United States and Canada 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."

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 18th day of January 1989.