

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11965
Docket No. 11573-T
90-2-88-2-54

The Second Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

PARTIES TO DISPUTE: (Sheet Metal Workers International Association
(Northeast Illinois Regional Commuter Railroad Corporation

STATEMENT OF CLAIM:

CLAIM OF EMPLOYEES: The Northeast Illinois Railroad Corporation, now known as METRA, hereinafter referred to as the Carrier, violated the provisions of the current and controlling agreement, in particular Rules 77 and 32(a), when they improperly assigned other than Sheet Metal Workers the disconnecting and connecting of the water pipes to the water pump on locomotive engine numbered 608 on the date of July 15, 1987.

THAT ACCORDINGLY THE CARRIER BE ORDERED TO:

Compensate Sheet Metal Worker C. J. Early in the amount of two (2) hours pay at the pro rata rate for the above 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 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.

A Claim was filed by the Local Chairman of the Organization with the Chief Mechanical Officer on July 27, 1987 alleging a violation of the controlling Agreement. According to the Claim the Carrier assigned the disconnecting and reconnecting of the flange fittings, the flexible inlet connection coupling and the water manifold to the water pump on Carrier's Engine No. 608 on July 15, 1987 to a Machinist rather than to a Sheet Metal Worker. Request with the Claim was for two hours' pay at "prevailing rate of pay for the above

stated date." Absent resolution of this Claim on property it was docketed before the Second Division of the Board for final adjudication. The Board advised the International Association of Machinists and Aerospace Workers of its rights to submit a Third-Party Submission in accordance with Section 3, First (j) of the Railway Labor Act. The International Association of Machinists forwarded a Third-Party Submission to the Board and in accordance with the latter's procedures the Sheet Metal Workers International Association was permitted to respond. The Sheet Metal Workers did so by means of rebuttal brief.

This is a companion case to Award 11964 already ruled upon by the Board. In comparing the full records of these two cases the Board notes that the parties are the same, the issue at dispute is parallel, and the Submissions by the parties closely approximate each other. At many points the Submissions read the same, verbatim. The same is true for the Third-Party Submission by the International Association of Machinists and the rebuttal thereto by the Sheet Metal Workers International Association.

In Award 11964 the Board concluded, after study of the full record, that the dispute at bar was a jurisdictional one. The same is true here. Disposition of a jurisdictional dispute on this property between these two Organizations is resolved by implementation of provisions of the Jurisdictional Dispute Agreement of April 8, 1948 "...preserved by the Agreement of September 2, 1982." In Award 11964 the Board presented reasoning for this conclusion. Such is incorporated here by reference. Since determinations by this Board on merits in this case would carry it beyond its jurisdictional bounds it must conclude here, as it has already done so in Award 11964 that the instant Claim must be dismissed on procedural grounds.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of December 1990.