

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12663
Docket No. 12505-T
94-2-92-2-26

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division TCU
(
(CSX Transportation, Inc. (former Chesapeake
(& Ohio Railway Company)

STATEMENT OF CLAIM:

- "1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.), hereinafter referred to as 'carrier', violated the controlling Shop Crafts Agreement, specifically Rules 11, 126, and 154, by instructing and/or allowing members of the Sheet Metal Craft to perform Carmen's work on December 3, 1989, when members of the craft were available, willing and qualified to perform that work.
2. That accordingly, the Carrier be ordered to additionally compensate Carmen W. O. Michelson, J. Green, A. Messer, and L. Justice in the amount of eight (8) hours at the applicable time and one-half rate for said 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 employee 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 Sheet Metal Workers' International Association was advised of the pendency of this dispute and filed a Submission with the Board.

At Carrier's Raceland Car Shops a dispute developed between Carmen and Sheet Metal Workers concerning repair work on removable hoods on coil steel cars. In a bulletin posted on April 16, 1984, the General Plant Manager noted that the dispute existed, and after discussion and review, promulgated guidelines on the assignment of work to the two Crafts. On December 3, 1989, four Sheet Metal Workers performed various tasks of welding and repairing hoods on several cars. The Carman's Organization filed claim contending that these tasks were not within Sheet Metal Classification of Work Rule 126, but instead was work covered by Rule 154 of its Agreement. Carrier defends against payment of the Claim on a variety of grounds, but mainly that the Board lacks jurisdiction because the Organization failed to follow the procedure for handling work jurisdictional disputes, as established on this property.

Carrier is correct. Supplement No. 6 of the Shop Crafts' Agreement requires that "in the event of a jurisdictional dispute between crafts, that this dispute must be taken up between the crafts involved before such dispute is handled with Management." There is no showing in this record that Supplement No. 6 was complied with. Accordingly, the claim must be dismissed. See Second Division Awards 12482, 12304, 12232, 11657, 11656, 11473 and 7296 for similar results.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 16th day of February 1994.