

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12729
Docket No. 12515
94-2-92-2-32

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

(Brotherhood of Railway Carmen Division -
(Transportation Communications
(International Union
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company

STATEMENT OF CLAIM:

- "1. That the Southern Pacific Transportation Company (Western Lines) violated the terms of the controlling Agreement, Rules 33(a), 32 and 104 when it assigned other than Carmen to perform Carmen's work including inspecting and grading/classifying of freight cars which were prepared or pre-tripped for service at its Roseville, CA facilities.
2. That in addition thereto, Southern Pacific Transportation Company (Western Lines) has subsequently continued said violations on freight cars which are prepared or pre-tripped for service at its Roseville, CA facilities.
3. That accordingly, Southern Pacific Transportation Company (Western Lines) be ordered to pay Carmen A. T. Santos, et. al., eight (8) hours each at the pro rata rate of pay for February 25, 27, 28, and March 1, 4, 5, 6, and 8, 1991."

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.

The dispute in this case revolves around the action of Carrier in contracting out car cleaning services. Carrier provided notice of its intent to contract out this work under the terms and provisions of the September 25, 1964, National Shop Crafts Agreement, to the International Brotherhood of Firemen and Oilers. It did not, though, provide notice to the Carmen's Organization, believing that it had reached agreement with it to do so.

Nonetheless, Carrier's right, or lack thereof, to contract out Shop Craft work is covered by Article II of the September 25, 1964, Agreement. That Agreement provides that disputes arising under its terms are to be resolved by a Special Board of Adjustment, i.e. SBA 570. This Division of the Board has repeatedly and consistently refused to assert jurisdiction over disputes arising under that Agreement. See for example Second Division Awards 6102, 6543, 11176, and 11163. Accordingly, the Claim must be dismissed.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 18th day of August 1994.