

Award No. 13988

Docket No. MW-14334

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David Dolnick, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC
RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it assigned or otherwise permitted employes of the Scandlyn Lumber Company to perform the work of remodeling the old freight station at Rockwood, Tennessee to serve as a combination freight and passenger station.

(2) B&B Foreman B. F. East and B&B Mechanics B. L. Hickey and B. O. East each be allowed pay at their respective straight time rates for an equal proportionate share of the total number of man hours consumed in the performance of the work referred to in Part (1) of this claim.

EMPLOYEES' STATEMENT OF FACTS: The Carrier contracted with the Scandlyn Lumber Company to remodel the old freight station at Rockwood, Tennessee, for use as a combination passenger and freight station. This remodeling consisted principally of carpentry work, together with certain miscellaneous electrical, plumbing and heating work, which is covered by another agreement between this Carrier and its shop craft forces.

The contractor's employes, who hold no seniority under the provisions of this Agreement, began work on this project on December 18, 1961, and completed it on January 17, 1962.

The Carrier's B&B forces were fully qualified and properly equipped to perform all B&B work on this project and have performed similar work many times in the past. The Agreement in effect between the two parties to this dispute, dated August 1, 1947, together with supplements, amendments and interpretations thereto is by reference made a part of this Statement of Facts.

POSITION OF EMPLOYEES: As evidence of the fact that B&B employes have historically performed work of the character involved in this dispute, we offer the following quoted correspondence:

OPINION OF BOARD: This dispute is identical in principle with cases covered by our Awards 12929 and 12930, involving the same parties and the same effective agreement. Our findings in those Awards are dispositive of the issues in the instant dispute, and the claim will be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1965.