



Award No. 14470

Docket No. MW-12521

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

George S. Ives, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

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

(1) The Carrier violated the effective Agreement beginning on or about November 1, 1959, when it deprived and/or denied employees holding seniority in the class of Equipment Operators within the Track Sub-department, who have been assigned their operators' positions under the provisions of Rule 27, the right to perform the work of their assigned positions in constructing sub-grade for the purpose of eliminating curves and cross-cutting grades on their assigned territory between Mileposts 392.65 and 395.80.

(2) The Carrier further violated the Agreement when it failed to advertise for bid newly-created positions within that Sub-department in which Sub-department classifications and rates of pay have been established by Agreement to perform such work.

(3) Each employee holding seniority in the class of Equipment Operators on the Shasta Division be paid at his respective straight-time rate for an equal proportionate share of the total man hours consumed by employees of the Morrison-Knudsen Contracting Company, who hold no seniority in the class of Equipment Operators within the Agreement between the Southern Pacific Company and the Brotherhood of Maintenance of Way Employees in performing the work described in Part (1) of this claim.

OPINION OF BOARD: It is agreed by the parties that this case is identical in all material respects to Award 14468. Accordingly, we adopted the Opinion therein as determinative of the issues in this dispute.

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 Employes involved in this dispute are respectively Carrier and Employes 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 Claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of May 1966.