

The Third Division consisted of the regular members and in addition Referee Dana E. Eischen when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Elgin, Joliet and Eastern Railway Co. (EJ&E):

(a) Carrier violated the parties' Schedule Agreement, particularly Section 1 of Article I and Section 1 of Article IV of the National Mediation Agreement of February 7, 1965, Case No. A-7128 (Rule 82, Item 2 - Supplement No. 4 of the parties' EJ&E Schedule Agreement) when at close of work on dates shown below, Claimants named below were furloughed from their positions of Signal Maintainer as a result of Carrier's abolishment Bulletin No. 1497 dated July 23, 1986 reading in pertinent part: 'Effective at completion of tour of duty Friday, August 1, 1986 all Signal positions, Group 1, Rules 1 thru 8, are abolished. . . .'

<u>Claimant</u>	<u>EJ&E No.</u>	<u>Date Position Abolished</u>	<u>Last Date Worked</u>	<u>Protected Rate of Pay</u>
R. J. Johnson	63710	08-01-86	09-03-86	\$13.29
J. R. Lunsford	63664	08-01-86	09-04-86	13.29
R. W. Fisher	50007	08-01-86	08-01-86	11.70

(b) Carrier should now be required to make Claimants named above whole with respect to their compensation guarantee by the Agreement of February 7, 1965 (Item 2 of Rule 82) including payment of health and welfare benefit premiums for benefits referred to in Rule 87 of the parties' Schedule Agreement.

(c) Inasmuch at this is a continuing violation, said claim is to cover period of time from date last worked shown above until Carrier takes necessary corrective action to comply with the parties Agreement."

FINDINGS:

The Third 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.

In this Claim the Organization alleges that Carrier violated the National Job Stabilization Agreement of February 7, 1965, by abolishing and recreating Signalmen positions in August, 1986, in such a way as to adversely affect some "protected" employees who now seek a remedy under the Job Stabilization Agreement.

The February 7, 1965 Agreement provides its own machinery for the arbitration of disputes arising thereunder. Traditionally and consistently, our Board has declined to assert jurisdiction over Claims like the present one which are subject to the dispute resolution procedures of the February 7, 1965 Agreement and therefore properly referable to Special Board of Adjustment No. 605. See Third Division Awards 27103, 27100, 26006, and 23043.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 4th day of December 1989.