

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19543
Docket Number MW-19457

Robert M. O'Brien, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
(Norfolk and Western Railway Company

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

(1) The Carrier violated the Agreement when it assigned Crane Operator H. G. Hinckley from the Wheeling and Lake Erie District to perform hoisting engineer's work at the Ford Plant at Lorain, Ohio on the Nickel Plate District beginning on December 8, 1969 (System File MW-BVE-70-2).

(2) Crane Operator A. C. Ruthsatz be allowed pay at the hoisting engineer's for all time expended by Machine Operator H. G. Hinckley beginning on December 8, 1969 and continuing until he is returned to the Wheeling and Lake Erie District.

OPINION OF BOARD: The dispute herein involves facts, rules and contentions similar to those in Award No. 19542. Here Carrier assigned a maintenance of way Crane Operator who has seniority on the Wheeling and Lake Erie District, to perform hoisting engineer's work at the Ford Plant, Lorain, Ohio which is located within the Nickel Plate District. It is undisputed that employees with seniority on the Wheeling and Lake Erie District are covered by a different agreement than the one covering employees of the Nickel Plate, Lake Erie and Western and Clover Leaf District. Seniority is restricted to each District respectively.

For the reasons stated in Award No. 19542, we will sustain the claim. It makes no difference that the work here was performed by a MW employee. The employee assigned does not hold seniority on the district on which the work was performed and he was thus not entitled to it. Claimant who holds seniority on the Nickel Plate District should have been assigned the hoisting engineer's work in question.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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;

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

That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 20th day of December 1972.