



Award Number 17931

Docket Number MW-18316

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD
COMPANY**

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

- (1) The Carrier violated the Agreement when work on the "Old Panhandle Division" was assigned to trackmen from another seniority territory on March 5, 1968. (System file L-126-1184/7-0-237).
- (2) Trackmen Willie Ponse, A. E. Gumpenberger, E. F. Delgado, Ray Goldsby, Pablo Ortega, Calvin A. Collins, Donald Conway, Chester VanHuss and Edwin A. Gumpenberger be allowed eight (8) hours' pay at their straight time rate because of the violation referred to within Part (1) of this claim.

EMPLOYEES' STATEMENT OF FACTS: The claimants are regularly assigned to the seniority territory from mile post 299 to miles post 465 on the Old Panhandle Division. They were readily available and fully qualified to perform all work of the character here involved on their seniority territory. However, on March 5, 1968, the Carrier required nine (9) trackmen assigned to another seniority territory (extending from mile post 465 to mile post 631) to perform track maintenance work on the seniority territory assigned to the claimants.

The claim was declined by the Senior Assistant Division Engineer of Track within a letter which reads:

LETTER "A"

"618 Scott Avenue
Kansas City, Kansas
March 27th, 1968

File Z-503.4

Mr. A. T. Welborn, General Chairman,
Brotherhood of Maintenance of Way Employees,
211 Westport Road
Kansas City, Missouri.

Dear Sir:

Your letter of March 20th, file 7-0-237, submitting claim in favor of nine trackmen account having crossed seniority territory.

OPINION OF BOARD: Claimants (trackmen and one foreman) hold seniority on Roadmaster's territory between Mile Posts 299 and 465. Organization's claim is premised on trackmen holding seniority on Roadmaster's territory between Mile Posts 4665 and 631, performing work of unloading ties between Mile Posts 380 and 400. The issue is whether Carrier violated the Agreement by this assignment of men with seniority on one territory to perform work on another Roadmaster's seniority territory.

The Division in Awards 16430 (Friedman) and 16608 (Devine) has previously considered and disposed of disputes involving the same parties, the same rules under similar facts presenting the same issue as is now before us.

The issues involved in this dispute were determined in Awards 16430 and 16608 favorable to the contentions of the Organization. We, therefore, sustain this claim as presented.

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 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 Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of May 1970.