

Award No. 672
Docket No. 657
2-NYNH&H-SM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 17, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (SHEET METAL WORKERS)**

**THE NEW YORK, NEW HAVEN AND HARTFORD
RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYEES: That the work of installing, dismantling, repairing, cutting, fitting and threading of pipes for pipe railing on the Hell Gate Bridge be performed by sheet metal workers covered by Rule 93 of agreement effective April 9, 1937.

EMPLOYEES' STATEMENT OF FACTS: Prior to signing of the agreement dated April 9, 1937, the work of making up and installing hand railing on the Hell Gate bridge was performed by sheet metal workers. Since the signing of this agreement an effort has been made to turn this work over to carpenters. This work includes the use of pipe machine or pipe cutter for the cutting of pipes, pipe die stocks or pipe machine for threading of pipes, heat forges for heating and bending of pipes, pipefittings and pipefitting tools for assembling all the pipe parts to be used for pipe railing on Hell Gate bridge.

POSITION OF EMPLOYEES: Sheet metal workers' classification of work rule No. 93 reads in part:

"Sheet Metal Workers' work shall consist of tinning, coppersmithing and pipefitting."

The position taken by the railroad management as set forth in a decision rendered by Mr. R. L. Pearson, general manager, to the sheet metal workers' committee (copy submitted) is a violation of Rule 93, inasmuch as other employees than sheet metal workers are performing pipefitting work.

The letter addressed to William G. Paton, general chairman, and signed by R. L. Pearson, supervisor, would lead one to believe only air, oil, water, gas, and steam pipe work was covered as sheet metal workers' work under the provisions of Rule No. 93. It has always been the understanding of the sheet metal workers that Rule No. 93 covers all pipefitting work and in the past this work has been performed and recognized as sheet metal workers' work. Signed affidavits by employees (copy submitted and marked Exhibit A) prove that this work has been performed and generally recognized as sheet metal workers'.

Over a period of from two to three years, the work claimed has been gradually taken away from the sheet metal workers, and we respectfully request that your Honorable Board render a decision in favor of the sheet metal workers by instructing the New Haven Railroad to comply with Rule No. 93 of the current agreement.

We are also submitting as Exhibit B, copy of communication dated April 12, 1941, addressed to Mr. E. B. Perry, assistant to general manager, signed by General Chairman James A. Dennehy, in which he requests a further check to be made in connection with this work following withdrawal of the original case, which was withdrawn because of claim made by management that the case had not been properly presented.

We are showing Exhibit C, in which Mr. Perry acknowledges receipt of the letter of April 12, 1941, and in which he completely ignores suggestion of General Chairman Dennehy and advises that so far as he is concerned the subject is closed.

CARRIER'S STATEMENT OF FACTS: The claim as now submitted involves the same principle covered by Second Division Award 609, Docket 629. The alleged dispute in that case was submitted ex parte and withdrawn at the request of the employees.

The claim as presented to the carrier was that bridge and building department bridgemen covered by agreement between this company and the Brotherhood of Maintenance of Way Employees were infringing upon the rights of sheet metal workers in performing work such as the threading of pipes used as bridge rails in a pipe rail fence.

Rule 93 of the shop crafts' agreement defining sheet metal workers' work states in part as follows:

"Sheet Metal Workers' work shall consist of * * * pipefitting in shops, yards, buildings, on passenger coaches and engines of all kinds; the bending, fitting, cutting, threading, brazing, connecting and disconnecting of air, water, gas, oil and steam pipes."

In the first place and primarily because the claim as presented to the carrier was based upon the very technical grounds that bridgemen were cutting threads in metal pipes, it should be pointed out that no pipefitting was done "in shops, yards, buildings or on passenger coaches and engines of any kind." In the second place, there was no "bending, fitting, cutting, threading, connecting or disconnecting of air, water, gas, oil and steam pipes." It so happens that the hand rails used in the bridge fence were made out of pipes. There was not the same requirement as to pipe joints as in the case of pipes carrying steam, water, air, etc. As a practical proposition, the maintenance of the bridge hand rails is a bridgeman's job and the request that the threading of pipes used for no other purpose than a rail in a fence in the same manner that the rail might be composed of wood, wire, cable or any other substance appears an attempt to carry a classification of work rule to a ridiculous extreme.

This type of work has always been done by bridgemen. The granting of the request would involve a reclassification of work prejudicial not only to the practicabilities of the situation but to the rights of the Brotherhood of Maintenance of Way Employees as well. The request should be denied.

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

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employe 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.

The parties to said dispute waived right of appearance at hearing thereon.

The evidence of record does not establish that the work performed on pipes for pipe railing on the Hell Gate Bridge falls within the scope of sheet metal workers' work as defined in Rule 93 of the agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 11th day of December, 1941.