

Award No. 1862

Docket No. 1727

2-WAB-SM-'55

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Lloyd H. Bailer when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 13, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (Sheet Metal Workers)**

WABASH RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That at the Vandeventer Engine House on the second shift Thursday, October 30, 1952, and on each Thursday since then to date, the Carrier assigned Electricians to perform recognized Sheet Metal Workers' work to the detriment thereof and in violation of the current agreement.
2. That accordingly the Carrier be ordered to equally distribute the aforesaid second shift hours Thursdays at the time and one-half rate among the Sheet Metal Workers, T. J. Gunn, Joe Jaeger, Sam Millslagle, Howard Harold and R. W. Peacher.

EMPLOYEES' STATEMENT OF FACTS: Prior to this dispute, the carrier maintained at the Vandeventer Engine House, St. Louis, Missouri, three shifts around the clock of electrical workers, machinists and sheet metal workers for the sole purpose of handling the necessary running repairs and inspections of diesel locomotives. However, the carrier made the election to withdraw the assignment of a sheet metal worker from the 3:00 P. M. to 11:00 P. M. shift on each Thursday effective on and after Thursday, October 30, 1952 and substituted therefor employees of the electrical workers' craft to perform that work which sheet metal workers had for so long handled of starting steam generators, etc., blowing down those steam generators, etc., and filling of those steam generators, etc., on five or more diesel units every Thursday from 3:00 P. M. to 11:00 P. M., and which is affirmed by copies of letters submitted herewith and identified as:

a) Exhibit A dated February 18, 1953 addressed to Whom it May Concern by Local Chairman of Electrical Workers, Dewey L. Wharton.

b) Exhibit A-1 dated April 9, 1953 addressed to Mr. Howard Harold, General Chairman of the Sheet Metal Workers by Irvin Mehrholz, General Chairman of the Electrical Workers.

94—"Classification of Work"—which specifies that the testing of steam generators is assignable exclusively to sheet metal workers.

There has never been any question on the part of the carrier with respect to using a sheet metal worker to perform work that is properly assignable to their craft, as provided for in Rule 94. This is borne out by the fact that on several occasions, as shown in carrier's statement of facts, sheet metal workers have been used on the second shift on Thursdays to perform work within their classification and they were paid overtime rates for such work.

An examination of the correspondence as shown in carrier's statement of facts will reveal that the carrier as far back as December 1, 1952 called the committee's attention to the fact that their complaint was not set forth in specific terms, and the carrier offered to conduct an investigation of the circumstances whenever the committee saw fit to furnish definite information. It has also been shown that as late as February 8, 1954, when Mr. Buck replied to General Chairman Harold's request of February 1, 1954, for a joint submission, the carrier called the organization's attention to the dilatory nature of their claim. It would have been a simple matter for the committee to have requested a conference at that time in an effort to clarify the situation, but they chose otherwise and presented the case to the Board in its present inconsistent and indefinite form. Again, the carrier wishes to emphasize that, of the many time claims made a part of this case, not one of them has been substantiated by definite facts with respect to specific duties and specific time allegedly consumed by members of other crafts who were alleged to have performed such duties.

The submission of the alleged dispute described in the committee's ex parte statement of claim to the National Railroad Adjustment Board, Second Division, by the Sheet Metal Worker's International Association is clearly an unjustified attempt to force the carrier to call a sheet metal worker from the overtime board and work him on the second shift at Vandeventer engine-house each and every Thursday, regardless of whether or not the services of a sheet metal worker are required. There is no justification for such a position as the employes have assumed in this case. The committee's contentions should be dismissed and Claims 1 and 2 denied in their entirety.

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 employes 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 were given due notice of hearing thereon.

Petitioner asserts that effective as of second shift on Thursday, October 30, 1952, and during each Thursday second shift thereafter, carrier ceased calling a sheet metal worker from the overtime board for work allegedly belonging to that craft and instead assigned said work to be performed by an electrician. The duties in question are "starting steam generators, etc., blowing down those steam generators, etc., and filling of those steam generators, etc., on five or more diesel units."

Diligent examination of the record fails to disclose any contractual provision granting exclusive jurisdiction over such work to sheet metal

workers. Nor does the evidence reveal that it has been past practice to assign such work exclusively to sheet metal workers. It must therefore be concluded that no contract violation presents itself here.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 14th day of January, 1955.