

Award No. 2541

Docket No. 2217

2-NPTCO-SM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Carl R. Schedler when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 105, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Sheet Metal Workers)**

THE NORTHERN PACIFIC TERMINAL COMPANY OF OREGON

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement other than Sheet Metal Workers were assigned to perform the work of erecting, fitting and drilling of sheet metal on the addition to the Guilds Lake Stores Building.

2. That accordingly the Carrier be ordered to compensate the Sheet Metal Workers on whose behalf claims were filed totaling 18 claims of 8 hours each at the applicable rate of pay.

EMPLOYEES' STATEMENT OF FACTS: On or about November 1, 1951 the carrier started work of building an addition to the store building at Guilds Lake, which was of sheet metal construction about twenty gauge. Over the protest of local committee of the sheet metal workers, Maintenance of Way employees were assigned.

This dispute has been handled with the carrier up to and including the highest officer so designated by the company, with the result that he has declined to adjust it.

The Union Pacific Agreement effective September 1, 1949 is controlling.

POSITION OF EMPLOYEES: It is submitted that the action of the carrier in this dispute is contrary to the provisions of the current controlling agreement.

It is further submitted that the carrier in this particular instance ignored the provisions of Rule 108 of the current agreement which, for your ready reference, reads:

Third, if not so dismissed or denied, then the claims should be denied as being without merit by reason of the work involved being clearly that of the B & B carpenters and definitely not that of the sheet metal workers, hence not supported by claimants' agreement rules.

The Carrier earnestly and respectfully so requests.

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.

In November 1951, a 21x92 foot metal addition was erected on the back side of a large, rectangular all metal building in the carrier's coach yard at Lake Yard, Portland, Oregon. The carrier has submitted in evidence a photograph of the original all metal building, taken during the course of its construction in 1925, showing the steel framework and panels. The addition, of similar construction, was built to accommodate the carrier's expanding Store Department. The work of erecting the addition was performed by the Bridge and Building Department carpenters. The sheet metal workers claim that the work should have been assigned to members of that organization.

The sheet metal workers' claim is based on two major premises, first, that a letter dated October 7, 1949 from the carrier's manager grants such work to them and, secondly, they are entitled to the work under the Classification of Work Rule. We do not concur in either of these views. We find that the October 7, 1949 letter relates to the proposed settlement of a jurisdictional dispute involving another building project, and we think it is applicable to that project only. We also find that a preponderance of the evidence in the instant case indicates that the work performed was work which may be done by members of the B & B gang, and by so assigning them to do the work the carrier did not violate any Classification of Work Rules.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 8th day of July, 1957.