

Award No. 4534

Docket No. 4495

2-GTW-SM-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Jacob Seidenberg when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 92, RAILWAY EMPLOYEES' DEPARTMENT, A. F. of L.—C. I. O. (Sheet Metal Workers)

GRAND TRUNK WESTERN RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

(a) That the Carrier violated the current agreement, particularly Rule 88, when other than Sheet Metal Workers were utilized to perform the installation of Air and Sand pipes to Sand Blast Tower for sand blasting Cars.

(b) That accordingly the Carrier be ordered to compensate Sheet Metal Workers W. G. McIntyre, J. P. Carpa, G. E. Truscott, H. H. Lester, F. E. Wade, I. S. Lucas, S. R. Keeler, R. M. Zimmer, F. Miller, A. Ort and G. Owens for 18 hours' pay at punitive rates for February 23, 27, 28, March 1, 5, 6, 8, 12, 13, 14 and 15, 1962 for the aforesaid violation.

EMPLOYEES' STATEMENT OF FACTS: The Grand Trunk Western Railway Company, hereinafter referred to as the carrier, maintains a passenger car repair shop at Port Huron, Michigan. Sheet Metal Workers, W. G. McIntyre, J. P. Carpa, G. E. Truscott, H. H. Lester, F. E. Wade, I. S. Lucas, S. R. Keeler, R. M. Zimmer, F. Miller, A. Ort, and G. Owens hereinafter referred to as claimants, are regularly employed at Port Huron car shops as sheet metal workers with assigned hours of 7:30 A. M. to 4:00 P. M., Monday through Friday, rest days Saturday and Sunday. During the period of February 23rd to March 15th, a sand blast tower was constructed at the Port Huron car shops, and the carrier utilized or allowed maintenance of way forces to install pipe lines from the sand elevator tank to the tower and delivery pipe lines. The tower was erected for the purpose of sand blasting cars; wrought iron pipe was used, and cutting, threading, fitting and welding was involved in performing this work.

with the new construction or maintenance of sand blast towers at the following listed locations, during the years indicated, since 1948:

- "1948 — Sand blast tower at Coal Dock — Battle Creek, Michigan.
- 1952 — Sand blast tower at Milwaukee Junction engine terminal, Detroit, Mich.
- 1955 — Sand blast tower at Ferndale Yard, Ferndale, Michigan.
- 1955 — Sand blast tower at East Yard, Detroit, Michigan.
- 1956 — Sand blast tower at Durand, Michigan.
- 1956 — Sand blast tower at Elsdon (Chicago), Illinois.
- 1956 — Sand blast tower at Columbia Avenue, Pontiac, Michigan.
- 1956 — Sand blast tower at Port Huron, Michigan.
- 1957 — Sand blast tower at Lansing, Michigan.
- 1958 — New sand elevating line at Milwaukee Junction engine terminal, Detroit, Michigan.
- 1959 — Sand blast tower at Grand Rapids, Michigan."

As evidenced by the foregoing, the work involved in this dispute was covered by the Brotherhood of Maintenance of Way Employees' working agreement both prior to and after September 1, 1949, the effective date of the current shopcrafts' working agreement.

It should be further pointed out that the employes during the progression of this dispute on the property, alleged that work in connection with sand pipe lines has been recognized for many years as the work of sheet metal workers at Port Huron, Michigan, however the carrier denies this, and the employes failed to submit any evidence in support of such allegation.

The instant claim is not supported by either the shopcrafts' working agreement or the past practice in effect on this property, and should, therefore, be declined.

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.

Parties to said dispute waived right of appearance at hearing thereon.

Upon review of the entire record, the Division is unable to sustain the present claim, either on the bases of the claimed violation of Rule 88 or the Carrier's past practice.

The Division finds that Rule 88 captioned "Classification of Work" makes no specific reference to Sheet Metal Workers doing work on sand pipes. The relevant contract language reads in part:

"* * * the binding, fitting, cutting, threading, brazing, connecting and disconnecting of air, water, gas, oil, and steam pipes
* * *"

It is for this reason that the Division is unable, on the basis of the cited Rule, to find any substantial support for the Petitioner's claim that it had exclusive jurisdiction over the work in question.

The Division further finds that with regard to past practice that the Carrier has since 1948 erected both a number of sand towers and sand blast towers on its property. (The record does not disclose any substantial differences in the construction of sand towers as distinguished from sand blast towers.) In the construction of these towers, the Carrier has always used Sheet Metal Workers to construct the compressed air lines leading to the sand elevating tank and the Water Service Department Employees to construct the sand lines leading from the elevating tank to the sand storage tank and the gravity discharge lines from the sand storage tank. Thus the evidence of past practice on the property affords no support for the Organization's claim.

In view of the foregoing record, the Division is unable to honor the Petitioner's claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of June, 1964.