

The Second Division consisted of the regular members and in addition Referee George E. Larney when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association
(National Railroad Passenger Corporation

Dispute: Claim of Employees:

1. That the Carrier under the current agreement, assigned other than employees of the Sheet Metal Workers' Craft (Electricians) to perform work covered by the agreement effective October 1, 1977. This work assignment consisted of the inspection of the toilets on the Amfleet coaches at the facilities operated by Amtrak in St. Louis, Missouri beginning on the date of September 1, 1977.
2. That accordingly, the Carrier be requested to additionally compensate the following Sheet Metal Workers: L. R. Irwin, H. E. Lumley and G. Plant for two hours and 40 minutes each until corrected.

Findings:

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

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

Claimant Pipefitters in the instant case, assigned to Carrier's shop facility at St. Louis, Missouri and members of the Sheet Metal Craft, contend they are entitled to perform the daily inspection of toilets on the Amfleet passenger cars as per the scope of their Classification of Work Rule, Rule 17 of the Agreement on the former Gulf, Mobile and Ohio Railroad Company (Northern Region), effective July 1, 1946 as amended, and by reference incorporated under Rule 1 of the Controlling Agreement bearing effective date of October 1, 1977. Rules 117 and 1 read, in whole, as follows:

"Classification of Work - Rule 117

Sheet-metal workers' work shall consist of tinning, copper-smithing and pipe fitting in shops, yards, buildings, on passenger coaches and engines of all kinds; the building, erecting, assembling, installing, dismantling (for repairs only), and maintaining parts made of sheet copper, brass,

"tin, zinc, white metal, lead, black, planished, pickled and galvanized iron of 10 gauge and lighter (present practice between sheet-metal workers and boilermakers, to continue relative to gauge of iron), including brazing, soldering, tinning, leading, and babbitting (except car and tender truck journal bearings), the banding, fitting, cutting, threading, brazing, connecting and disconnecting of air, water, gas, oil, and steampipes; the operation of babbitt fires (in connection with sheet-metal workers' work), oxyacetylene, thermit and electric welding on work generally recognized as sheetmetal workers' work."

"RULE 1 - CLASSIFICATION OF WORK:

Pending adoption of a national classification of work rule, employees will ordinarily perform the work which has been performed traditionally by the craft at that location, if formerly a railroad facility, or, as it has been performed at comparable Amtrak facilities, if it is a new facility."

The Sheet Metal Workers International Association, hereinafter referred to as the Organization, describes the disputed work as entailing causing the toilets to flush in order to determine whether or not they are operating properly. Where the toilets are not operating properly, the Organization maintains, it then befalls members of the Sheet Metal Craft to dismantle the equipment in order for it to be properly repaired. The Organization contends that this work falls under the rubric of maintenance renewals and repairs to sheet metal and pipe work has always been performed at Carrier's St. Louis facility by members of their Craft. The Organization further argues that it matters not that the toilet systems currently in use are those of the containerized type requiring the pushing of a button to activate flushing as opposed to the older outdated toilet systems wherein flushing occurred by pushing down a lever or handle. The Organization thus alleges the Carrier is in violation of the controlling agreement in the case at bar by having assigned the disputed work to members of the Electrician Craft.

The Carrier takes the position that the inspection work alleged by the Organization as having been misassigned has nothing directly to do with the flushing action of the toilet per se, but rather it has to do with periodic testing of the electrical motors governing the activation of flushing. Thus Carrier refutes the Organization's position that the work alleged by it to be in dispute involves maintenance renewals or repairs falling under the Sheet Metal Workers Classification of Work. Furthermore, Carrier notes Rule 1 of the Controlling Agreement, reproduced above, requires a continuation of past practice and asserts that in the instant case there is no practice which supports the Organization's claim for this work. Carrier maintains that members of the Sheet Metal Craft have not in the past performed the disputed work.

The International Brotherhood of Electrical Workers, the third party Organization at interest in this dispute, hereinafter referred to as the Electricians, assert that the work in dispute is clearly covered by its Classification of Work Rule, Rule 130 of the aforementioned Gulf, Mobile and Ohio Railroad Agreement. Rule 130 reads in whole, as follows:

"Classification of Electricians - Rule 130

Electricians' work shall include wiring, maintaining, repairing, rebuilding, inspecting and installing of all generators, switchboards, meters, motors and controls, rheostats and controls, static and rotary transformers, motor generators, electric headlights and headlight generators, electric welding machines, storage batteries (work to be divided between electricians and helpers as may be agreed upon locally), axle lighting equipment, all inside telegraph and telephone equipment, electric clocks and electric lighting fixtures; winding armatures, fields, magnet coils, rotors, transformers and starting compensators; inside and outside wiring at shops, buildings, yards, and on structures and all conduit work in connection therewith (except outside wiring provided for in Rule 131), steam and electric locomotives, passenger train and motor cars, electric tractors and trucks; include cable splicers, high-tension power house and substation operators, high tension linemen, and all other work properly recognized as electricians' work."

The Electricians maintain that according to Rule 130, such work as inspection, maintenance or repair of electrical equipment accrue to them and not, as the Organization here so contends, to members of the Sheet Metal Craft. The Electricians assert the work assignment in dispute consisted of the inspection of the electrical system and components associated with the containerized toilet systems on the Amfleet cars, which work does not fall under the scope of work having to do with the general or routine inspection of toilets as so alleged by the Sheet Metal Workers. The Electricians note the new containerized toilet system in use on the Amfleet cars is far different from the older toilets, asserting, contrary to the Organization's position, that the technological changes involve more than the mere pushing of a button as opposed to pushing down on a lever or handle to check the flushing function. These technological changes, submits the Electricians, require the testing, maintaining and inspecting of the electrical system and components involved, which again is work falling under their classification of work. Finally, the Electricians assert, the work in question has historically been performed by the Electrical Craft at the Carrier's St. Louis facility as well as other points on the Carrier's System.

Upon a review of all the evidence and argument of record, the Board discerns the presence of a threshold question regarding the nature of the disputed work itself. The Organization maintains the daily inspection of toilets is at issue, arguing that this involves the flushing of toilet units to determine whether or not they operate properly and contending such work falls under their classification of work dealing with maintenance renewals and repairs to sheet metal and pipe work. On the other hand, both the Carrier and the Electricians assert the disputed work involves the inspection, maintenance and repair of the electrical systems involved with the containerized toilet system. It appears to the Board the parties at interest here seem to be arguing apples and oranges and as a result the evidence before us is both insufficient and deficient with regard to informing us as to the exact nature of the work in dispute. We are thus at a loss to reconcile this crucial

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difference in perceptions which leaves us no other alternative than to dismiss the claim.

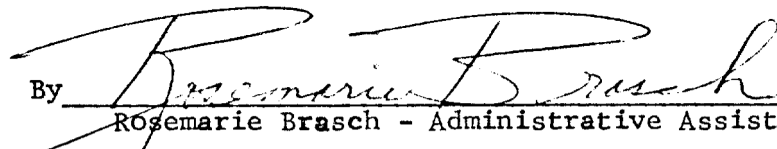
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 28th day of January, 1981.