

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association
(Terminal Railroad Association of St. Louis

Dispute: Claim of Employees:

1. That the Terminal Railroad Association of St. Louis violated Rules 79 and 81 of the controlling agreement when they arbitrarily assigned a B&B mechanic to exclusive driving of the company truck for Sheet Metal Workers and assigned him to perform Sheet Metal Workers' work on a part time basis, St. Louis, Missouri.
2. That accordingly, Sheet Metal Workers Billy Hall, R. L. Kranzler, Thomas R. Webb, Stephen L. Wolf, William Eckstein and Vernon Levandoski, who were available to perform this work, be compensated in the amount of eight hours (8') per day beginning December 21, 1979, the date the B&B mechanic was assigned to perform this work per Bulletin No. 608 (Exhibit "H", attached).

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 employes 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.

The Brotherhood of Maintenance of Way Employes, a third party at interest, was notified of this dispute and made a response.

On December 21, 1979, the Carrier filled a position of Bridge & Building Mechanic-Motor Truck Operator with an employe represented by Brotherhood of Maintenance of Way Employes. The position was vacant, owing to the departure from the position over a number of years of another Maintenance of Way employe. The work involves delivery by vehicle of parts and supplies to Sheet Metal Workers.

The Organization argues that the work should be assigned to an employe in the Sheet Metal craft, under the terms of Rules 79 and 81, which read as follows:

"RULE 79
CLASSIFICATION OF WORK

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 and maintaining parts made of sheet copper, brass, tin, zinc, white metal, lead, black, planished, pickled and galvanized iron of ten gauge and lighter (present practice between sheet metal workers and boilermakers to continue relative to gauge of iron or steel), including brazing, soldering, tinning, leading and babbitting, the bending, fitting, cutting, threading, brazing, connecting and disconnection of air (except airbrake pipes on freight cars), water, gas, oil and steam pipes; the operating of babbitt fires (in connection with sheet metal workers' work); oxyacetylene, thermit and electric welding on work generally recognized as sheet metal workers' work, and all other work generally recognized as sheet metal workers' work.

NOTE--The use of the word "dismantling" in the fourth line is subject to the reservation in the sixth paragraph of Rule 27."

"RULE 81
SHEET METAL WORKER HELPERS

Employees regularly assigned as helpers to assist sheet metal workers and apprentices in their various classifications of work, shall be known as sheet metal workers' helpers."


The Board fails to find, in the cited rules, any reservation on an exclusive basis to Sheet Metal Workers of the position under review. The Carrier has shown, without contradiction, that this particular task has been regularly assigned to a Maintenance of Way employe for many years. The Organization's claim, on the occasion of a change of personnel in the position, offers no basis to suggest that this work should be or must be work assigned exclusively to the Sheet Metal craft.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September, 1984