

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

PARTIES TO DISPUTE: (Sheet Metal Workers International Association
(Chicago & North Western Transportation Company

STATEMENT OF CLAIM:

1. That the Carrier, under the current agreement, assigned other than employees of the Sheet Metal Workers' Craft (Boilermakers and Machinists) to perform work covered by Rules 102 and 103 as modified by the memorandum of agreement as agreed to by the Sheet Metal Workers and the Chicago and North Western Transportation Company dated September 25, 1958. This work consisted of the renewal and application of the interior cab walls and window tracks on Locomotive Unit 6905, July 7, 1980.

2. That accordingly, the Carrier be ordered to additionally compensate Sheet Metal Worker, J. Kapla, G. Novak, D. DeWinter, K. Coisman, D. Janssen, G. Willcox, A. Kozub and R. Peters in the amount of four hours at the time and one-half rate divided equally among them for this violation and all subsequent violations occurring after the above listed date until this violation is 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 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.

As Third Party in Interest, the Brotherhood Railway Carmen of the United States and Canada, International Association of Machinists and Aerospace Workers and International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers were advised of the pendency of this dispute and did file a Submission with the Division.

On July 7, 1980, the Carrier assigned members of the International Brotherhood of Boilermakers and one Machinist to repair and replace the interior cab walls and window tracks on Locomotive Unit 6905 at the Green Bay Diesel Shop. The Sheet Metal Workers International Association immediately filed a Claim on behalf of eight (8) of its members who work at the Green Bay Diesel Shop, contending that this work should have been assigned to Sheet Metal Workers. It is the Association's contention that the maintenance, renewal and repair of sheet metal and pipe work on locomotives repaired at the Green Bay Shop has been performed by Sheet Metal Workers over the years. The Association asserts that the Carrier violated Rule 103, its Classification of Work Rule, when it assigned the work of repairing the interior cab walls and window tracks on Locomotive Unit 6905 to Boilermakers and Machinists.

To prevail in the Claim before this Division, the Association must prove that Sheet Metal Workers have the exclusive right, either by contract or past practice, to perform the work assigned to Boilermakers and a Machinist at the Green Bay Diesel Shop on July 7, 1980. In our opinion, Rule 103, the Sheet Metal Workers' Classification of Work Rule, does not expressly reserve this work to Sheet Metal Workers. Nor has the Association established to our satisfaction that Sheet Metal Workers have exclusively performed such work on this property by tradition, practice or custom. Indeed, the Boilermakers have asserted that their members have performed the work in dispute for many years at the Green Bay Diesel Shop. Moreover, the Brotherhood of Railway Carmen has insisted that its members have performed the work of repairing windows, channels and glides at numerous locations throughout the property of the Carrier.

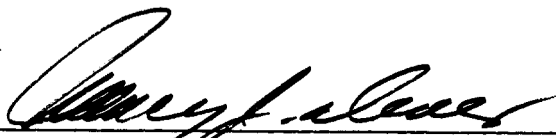
In the light of the evidence submitted by the Boilermakers and by the Carmen, the Sheet Metal Workers have not sustained their burden of proving that they had the exclusive right to perform to work in question on this property by custom, tradition or practice. Inasmuch as the Association has failed to prove that its members had the exclusive right to perform this work, either by contract or past practice, the Claim must be denied.

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 10th day of August 1988.