

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12495
Docket No. 12312-T
93-2-91-2-100

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Sheet Metal Workers' International
(Association
(
(National Railroad Passenger
(Corporation (AMTRAK)

STATEMENT OF CLAIM:

"1. The National Railroad Passenger Corporation violated the provisions of the current and controlling agreement, and in particular, Rule 1 and Letter 1 of said agreement when they improperly assigned other than Sheet Metal Workers the work of laying out, cutting, fabricating and welding 18 gauge sheet metal covers.

2. That accordingly, the Carrier be required to compensate Sheet Metal Workers H. Barthalow and D. E. Barnes in the amount of sixteen hours pay each, at the pro rata rate for the above listed violations which occurred on September 18th and 19th, 1989."

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.

The Claim is another in a series filed by the Organization contending that its Agreement at Carrier's Beech Grove Shop reserves exclusively to members of the Sheet Metal Workers Craft all work connected with the fabrication of items made out of 16 gauge or lighter metal.

Recently this Board had occasion to consider the several arguments of both the Carrier and the Organization in a similar dispute. In Second Division Award 12420 the Board concluded:

"In considering this case, the Board concurs with Carrier's position. We have carefully reviewed the painstaking impressive arguments advanced by the Organization, but we cannot conclude that the Sheet Metal Workers have exclusive rights to work at the Beech Grove Facility. It appears very strongly that other crafts have frequently performed work on 16 gauge materials and these persuasive conflicting indications argue against any positive finding for the Sheet Metal Workers. It would be injudicious for us to rule otherwise in view of this jurisdictional conflict."

Award 12420 cannot be said to be in palpable error. It must be followed here.

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 6th day of January 1993.