

Award No. 4458

Docket No. 4264

2-NP-SM-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Joseph M. McDonald when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 7, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.—C. I. O. (Sheet Metal Workers)**

NORTHERN PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement other than Sheet Metal Workers were improperly assigned to install 24 gauge galvanized iron parts for sheet metal walls for paint spray booths in the Paint Shop of the Car Department at Brainerd, Minnesota.
2. That accordingly the Carrier be ordered to compensate Sheet Metal Worker Otto Beck at the pro rata rate of pay for the same amount of hours that two employees of the Maintenance of Way received for May 5, 8, 9, 10, 11 and 12, 1961.

EMPLOYEES' STATEMENT OF FACTS: At Brainerd, Minnesota the Northern Pacific Railway Company hereinafter referred to as the carrier maintains its largest car shops. Among its various buildings is a paint shop used for the painting of freight cars. Inside of this paint shop are four paint spray booths. Two of these paint spray booths when originally installed had sheet metal walls on both sides, the other two were erected with only one inside sheet metal wall per booth. The brick walls of the paint shop formed the outside walls of these two paint spray booths due to their location. Carrier later decided to install sheet metal walls for these two paint spray booths account excess paint collecting on the brick walls adjacent to these booths, making the scraping or removing of excess paint difficult.

Prior to May 5, 1961, Sheet Metal Worker Otto Beck hereinafter referred to as claimant, was assigned to cut 24 gauge galvanized iron according to specification for installation to wooden strips attached to brick walls. Claimant was also assigned to fabricate sheet metal parts to cover the pilasters or abutments protruding in the area of the paint spray booths.

On May 5th, 1961 carrier assigned employees of the maintenance of way department to install these metal parts to the wooden strips previously installed by maintenance of way employees and to the pilasters. The constructed

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 were given due notice of hearing thereon.

At its Shops at Brainerd, Minn., Carrier maintains a paint shop for the painting of freight cars. Inside the shop are four paint spray booths. Prior to this dispute, two of the booths had sheet metal walls, and two had one sheet metal wall, the other wall being the brick inner wall of the paint shop. To eliminate the roughness of the brick walls, Carrier caused the installation of sheets of metal over the brick.

The work was performed by having Claimant fabricate the metal to specifications and by having the B&B Department attach wooden strips to the brick and by having the B&B Department nail the metal to the strips. It is the last operation that the Organization claims belongs to the Sheet Metal Workers.

It is Carrier's contention that the disputed work is the maintenance and repair of a building which is traditionally the work of the B&B Department, and that no Rule or past practice classifies it as Sheet Metal Work.

Past practice is not a factor in the resolution of this dispute.

Rule 112 of the controlling agreement reads in part as follows:

"Sheet metal workers' work shall consist of tinning, copper-smithing and pipefitting in shops, yards, buildings and on passenger cars, and engines of all kinds; the building, erecting, assembling, installing, dismantling for repairs and maintaining parts made of sheet copper, brass, tin, zinc, white metal, lead etc. * * *"
(Emphasis ours.)

A careful reading of the Rule convinces us that this work falls squarely into the Sheet Metal Workers Classification of work, without regard to the fine distinction of whether or not the sheet metal walls became a part of the building.

AWARD

Claim 1: Sustained.

Claim 2: Sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February, 1964.