



Award No. 4795
Docket No. 4714
2-EJ&E-SM-'65

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 20, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Sheet Metal Workers)**

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement the Carrier improperly assigned Maintenance of Way employes to disconnect, dismantle and remove steam pipes from heating plant inside Building No. 45 at Gary, Indiana, on April 5, 8, 9, 10, 11, 12, 16 and 18, 1963.

2. That accordingly, the Carrier be ordered to additionally compensate the following Sheet Metal Workers for eight (8) hours each day, as follows:

A. Feyes	No. 3363	April 5, 10, 16, 1963
H. Gholston	No. 3369	April 10, 12, 18, 1963
L. Martin	No. 3370	April 9, 12, 18, 1963
J. Feder	No. 3371	April 10, 12, 18, 1963
D. Saxon	No. 3543	April 5, 11, 16, 1963
C. Michaels	No. 7774	April 8, 11, 16, 1963
M. Mishevich	No. 9392	April 8, 11, 16, 1963
R. Vizena	No. 27492	April 9, 12, 16, 1963

EMPLOYEES' STATEMENT OF FACTS: The Elgin, Joliet and Eastern Railway Co., hereinafter referred to as the carrier, maintains at Gary, Indiana, maintenance shops and related buildings for the repair and service of its equipment.

Sheet Metal Workers A. Fejes, H. Gholston, L. Martin, J. Feder, D. Saxon, C. Michaels, M. Mishevich and R. Vizena, hereinafter referred to as the claimants, are regularly employed by the carrier at Gary, Indiana as sheet metal workers to perform sheet metal workers' work.

During the period of April 5 to April 18, 1963, carrier assigned Maintenance of Way Employes to maintain, disconnect, dismantle and remove

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.

Rule 106 negates the validity of this claim because it provides that sheetmetal workers' work embraces dismantling for repairs only. The dismantling involved in this case was not for repair but to prepare the area to accommodate a new boiler room, a new tool room, and a storage area.

Neither is such dismantling comprehended by the provision of the Memorandum of Understanding between the Shop Crafts and the Maintenance of Way employes that sheetmetal workers shall maintain steam pipes. Rather than being maintained these pipes were being removed so the space could be used for those purposes.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 4th day of November, 1965.