

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International
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(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, particularly Rule 97, at Sedalia, Missouri on January 25, 1973 when they improperly assigned Carmen the duty of flattening roof sheets, cutting off one inch each end then rebending galvanized iron roof sheets for Salt Cars Nos. 775000 and 775016.
2. That accordingly the Missouri Pacific Railroad Company be ordered to compensate Sheet Metal Workers C. L. Norman, L. D. Garrison and Ralph Steele sixteen (16) hours each and Sheet Metal Workers Carl Spellmeyer, Norman Bottcher, Frank Ellis, G. H. Kueck, Walter Benskin and N. E. Whittington eight (8) hours each at the pro rata rate of pay for such violation.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

The Petitioner, SMWIA, contends that the Carrier violated the Agreement of the parties on January 25, 1973, at the Sedalia Shops when the Carrier assigned Carmen the duty of altering roof sheets for two Salt Cars by flattening both ends, cutting off two inches and rebraking the metal. The Petitioner contends that this assignment of work is in violation of the clear language of Rule 97 which we quote in pertinent part:

"Sheet Metal Workers work shall consist of tinning, coppersmithing and pipefitting in shops, on passenger coaches; cabooses and commissary cars 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 10 gauge and lighter including brazing, soldering, tinning, leading, and babbitting xxx and all other work generally recognized as Sheet Metal Workers' work." (Emphasis Supplied)

The Petitioner also argues that based on the language of Rule 97, "and all other work generally recognized as Sheet Metal Workers' work," the work in question was properly the work of the Sheet Metal Workers Craft, since they have always, they contend, worked on 10 gauge or lighter tin at the Sedalia Shops.

The Carrier contends that the work in dispute consisted of the rebuilding of freight cars by applying new roof sheets. The Carrier contends that the Classification of Work Rule for Carmen, Rule 117, includes the building of freight cars without limitation as to the type of thickness of metal required. Rule 117 reads in part:

"Carmen's work, including regular and helper apprentices, shall consist of building, maintaining, painting, upholstering and inspecting of all passenger and freight cars, both wood and steel; ... applying patented metal roofings;...and in all other work generally recognized as carmen's work."
(emphasis supplied)

The Carrier points out that on the other hand, Rule 97, the Classification of Work Rule for Sheet Metal Workers, specifically mentions cabooses, commissary cars and passenger coaches but deliberately omits freight cars. The Carrier denies that Sheet Metal Workers have ever performed any of the work required in the building or maintenance of freight cars. The Carrier thus contends that the work on the two freight cars was properly assigned to the Carmen's Craft on the basis of Rule 117 and the practice on the property.

The Brotherhood of Railway Carmen has a third party interest in this matter and upon proper notice made a submission to this Board. The Carmen contend that based on Rule 117, the work belongs exclusively to the Carmen's Craft; and that the work has always belonged to the Carmen.

We find that the altering of roof sheets in order to make the roof sheets fit the two Salt Cars was work necessary to and part of the rebuilding of these two freight cars. Rule 117 provides that Carmen's work shall consist of building and maintaining "freight cars". We find that Rule 117 expressly reserves the work in question to the Carmen. Rule 97 specifically refers to "passenger coaches," "caboosees," "commissary cars" and "engines of all kinds". Rule 97 makes no reference to work on freight cars. We thus find that the altering of roof sheets in the rebuilding of freight cars is not Sheet Metal Workers work.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch-Administrative Assistant

Dated at Chicago, Illinois, this 30th day of May, 1975.