

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association
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(Seaboard Coast Line Railroad Company

Dispute: Claim of Employes:

1. That on or about September 16, 1974, Foreman O. A. Parkinson instructed Machinist Terry Gross to change rubber diaphragm in sander relay on diesel locomotive engine 1201, at the West Jacksonville, Enginehouse, Jacksonville, Florida.
2. That the Carrier be ordered to compensate Sheet Metal Worker J. O. Parham for four (4) hours at time and one-half rate.

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.

The issue in this claim is a narrow one. The Organization, Sheet Metal Workers' International Association, dispute the assignment of an employee represented by the International Association of Machinists to the work of changing a rubber diaphragm in a sander relay of a diesel locomotive in the Carrier's Engine House in West Jacksonville. No claim is made for performance of this work in the nearby air room maintained by the Carrier nor at other points in the Carrier's system.

The claim is based on allegations, supported by signed statements, that Sheet Metal Workers have performed this work in the Engine House. As third party respondent, the Machinists claim that employees represented by them have also done such work in the Engine House. The Board has no clear and convincing evidence before it that either craft was regularly assigned all the sander relay repair work in the Engine House. Such evidence would be required to sustain the Organization's charge that the Carrier had "changed" the work assignment in the Engine House.

In determining the Organization's exclusive rights to the work in the Engine House, reference to the classification rules applicable to the two crafts is appropriate.

Rule 5, applicable to Machinists, reads as follows:

"(a) Machinists' work shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling and grinding of metals used in building, assembling, maintaining, dismantling, and installing locomotives and engines (operated by steam or other power), pumps, cranes, hoists, elevators, pneumatic and hydraulic tools and machinery, scale building, shafting and other shop machinery, ratchet and other skilled drilling and reaming; tool and die making, tool grinding and machine grinding; axle truing, axle, wheel and tire turning and boring; car brass boring (not broaching); engine inspection, air equipment; lubricator and injector work; removing, replacing, grinding, bolting and breaking of all joints on superheaters; the operation of all machines used in such work. Drill presses and bolt threaders using a facing, boring or turning head or milling apparatus; oxy-acetylene, thermit and electric welding on work generally recognized as machinists' work as provided in Rule 27, and all other work generally recognized as machinists' work.

(b) On running repairs a machinist may connect or disconnect any part, pipe or wiring in order to make necessary repairs to equipment.

(c) This rule cannot be construed to prevent engineers, firemen, or cranemen of steam shovels, ditchers, clam shell, wreckers, pile drivers and other similar equipment requiring repairs on line of road from making such repairs on line of road as they are qualified to perform."

Rule 85, applicable to Sheet Metal Workers reads as follows:

"Sheet metal workers' work shall consist of tinning, copper-smithing and pipe-fitting in shops, yards, buildings, on passenger coaches and engines of all kinds, the building, erecting, assembling, installing, dismantling (not scrapping) and maintaining parts made of sheet copper, brass, tin, zinc, white metal, lead, black, planished, pickled and galvanized iron of 10-guage and lighter, including brazing, soldering, tinning, leading and babbitting (except car and engine truck journal bearings where handled by foundry forces); the bending, fitting, cutting, threading, brazing, connecting and disconnecting of air, water, gas, oil and steam pipes; the operation of babbitt fires and pipe threading machines; oxy-

"acetylene, thermit and electric welding on work generally recognized as sheet metal workers' work as provided in Rule 27, and all other work generally recognized as sheet metal workers' work."

The Sheet Metal Workers rely only on the catch-all phrase, "and all other work generally recognized as sheet metal workers' work" as a basis for their claim. The Machinists' classification rule, however, includes the phrases: "maintaining, dismantling, and installing locomotives and engines ... engine inspection, air equipment". The sander relay being a part of air equipment, the Machinists' classification has specific reference to the work in question.

In view of the mixed evidence concerning Engine House practice and the language of the Machinists' classification rule, it is unnecessary for the Board to consider the Machinists' widespread performance of the work in other locations or the availability of alternate means of resolving jurisdictional disputes. Solid claim to the work by the Sheet Metal Workers is simply not proven to the satisfaction of the Board.

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 29th day of March, 1977.