

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: { Sheet Metal Workers' International  
                                  { Association  
                                  {  
                                  { Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the current agreement was violated beginning on May 17, 1974, when the Carrier by arbitrary and unilateral action, assigned sheet metal workers whose seniority district is confined to the Roanoke Shops to perform work at the Shaffers Crossing Shop Track, located adjacent to and always considered a part of the seniority district of the sheet metal workers on the Shaffers Crossing roster by virtue of their having exclusively performed such work since the shop has been in existence.
2. It is therefore requested that the sheet metal workers listed below employed at Shaffers Crossing be additionally compensated in the amount of eight (8) hours each at the time and one half rate on the dates listed.

J. B. Morris	5-17-74	J. B. Ferguson	5-23-74
R. H. Tickle	5-17-74	S. W. Pauley, Jr.	5-23-74
J. K. Weikle	5-17-74	J. B. Morris	5-23-74
K. L. Wood	5-17-74	K. L. Wood	5-23-74
A. L. Burke	5-20-74	J. B. Morris	5-24-74
J. Maughn	5-20-74	J. K. Weikle	5-24-74
T. L. Barrett	5-20-74	R. H. Tickle, Jr.	5-24-74
T. L. Barrett	5-21-74	K. L. Wood	5-24-74
T. H. Strum	5-21-74	T. L. Barrett	5-28-74
G. D. Carter	5-21-74	T. H. Strum	5-28-74
S. C. Zimmerman	5-21-74	G. D. Carter	5-28-74
T. H. Strum	5-22-74	J. B. Ellis	5-28-74
G. D. Carter	5-22-74	T. H. Strum	5-29-74
J. B. Ferguson	5-22-74	G. D. Carter	5-29-74
S. W. Pauley	5-22-74	B. F. Powers	5-29-74
J. B. Ferguson	5-29-74	J. B. Morris	5-30-74
B. F. Powers	5-30-74	S. W. Pauley, Jr.	5-30-74
J. B. Ferguson	5-30-74	J. B. Morris	5-31-74
G. A. Shay	5-31-74	R. H. Tickle, Jr.	5-31-74
J. K. Weikle	5-31-74		

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 to be determined in this dispute is whether, by rule or practice on this property, pipefitters from a particular seniority group have the exclusive right to perform work at a particular location to the detriment of pipefitters from another seniority group.

The essential facts are not in dispute: At Roanoke, Virginia, insofar as Sheet Metal Workers are concerned, there are two operations approximately a mile and one-half apart. There is a locomotive running repair operation known as Shaffers Crossing and a heavy repair operation known as Roanoke Shops. Roanoke Shops is the larger of the two, with a larger number of Sheet Metal Worker employes.

The Sheet Metal Workers Seniority Roster at Shaffers Crossing is identified as "LD", i.e. Locomotive Department, and the Seniority Roster for Sheet Metal Workers at Roanoke Shops is general. There is no separate seniority roster at Shaffers Crossing maintained for the Car Department and no Sheet Metal Workers employed at the Shaffers Crossing Car Shop.

In the spring of 1974, Carrier utilized Roanoke Shop employes to perform certain work in connection with its new Wash and Locker Room for the Shaffers Crossing Car Department.

The Organization contends that the Sheet Metal Workers on the Shaffers Crossing Locomotive Department roster have the exclusive right to perform any and all work at Shaffers Crossing, including work for the Shaffers Crossing Car Department even though the seniority roster is limited to the Locomotive Department.

The Board disagrees. A careful review of the record discloses that in the past Shaffers Crossing Car Department work had been performed by employes of both the Roanoke Shops roster as well as the Shaffers Crossing roster. Thus it is clear that neither group has the exclusive right to perform Shaffers Crossing Car Department pipefitting work based on prior practice. Under the circumstances, the claim must be denied.

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 8th day of November, 1977.

