

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

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

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated controlling agreement, particularly Rule 97 and the Transfer of Work Understanding of 1940. When on September 7, 1977, other than Sheet Metal Workers were assigned the measuring, laying out, cutting and forming of 14 gauge black iron deflector for Roller Bearing axle washer, North Little Rock, Arkansas.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Sheet Metal Workers C. M. Fleming and K. F. Prater four (4) 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 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.

On September 7, 1977, the Carrier assigned two Machinists to lay out, roll and form four washing solution spray deflectors from 14 gauge black iron pieces. The Machinists then welded the deflectors to the circular spray pipe on an axle washer at the Carrier's North Little Rock Diesel Shop. This particular work had never been performed before on this property. Machinists, Sheet Metal Workers, Boilermakers and Electricians had all been used to construct the component parts of the axle washer. The circular pipe had been fabricated by Sheet Metal Workers.

The Organization claims the fabrication of the spray deflectors is specifically and exclusively reserved to the Claimants under Rule 97. The pertinent portion of Rule 97 which describes the Sheet Metal Workers' Classification of Work states:

"Sheet metal workers ... work shall consist of tinning, coppersmithing and pipe fitting in shops ... the building, erecting, assembling, installing ... and maintaining parts made of sheet copper, brass, tin, zinc,

white metal, lead, black, planished, pickled, and galvanized iron of 10 gauge and lighter ... oxyacetylene, thermit and electric welding on work generally recognized as sheet metal workers' work ... and all other work generally recognized as sheet metal workers' work."

To justify its assignment of the disputed work to Machinists, the Carrier relies on Rule 52(a) (the Machinists' classification of work) which states in part:

"Machinists' work ... shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling, and grinding of metals used in building, assembling, maintaining, ... and installing machinery, ... oxyacetylene, thermit and electric welding on work generally recognized as machinists' work..."

According to the Carrier, the laying out, formation and connection of the spray deflectors was an integral part of the axle washer and all machinery work is relegated to machinists. Also, the Carrier asserts that it made a good faith judgment that the nature of the disputed work (which had never been performed before) was closer to work covered by Rule 52(a) as opposed to Rule 97.

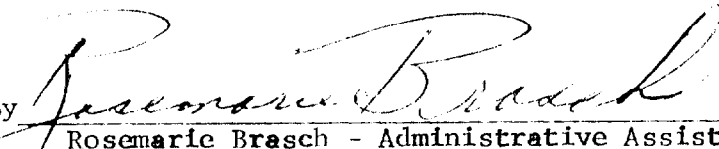
While we recognize that the Carrier made a good faith determination that the new work belonged to Machinists, we conclude that the laying out, rolling, and formation of the deflectors was specifically covered by the Sheet Metal Workers' classification of work rule. The deflectors were an extension of and connected to the circular spray pipe which had been fabricated by Sheet Metal Workers. Since the deflectors were formed from separate pieces of black iron, they constituted stationary equipment and were only slightly related to the operation of the axle washer. Therefore, we will sustain the claim as presented.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of March, 1982.