

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
{ Southern Pacific Transportation Company

Dispute: Claim of Employees:

That arbitrary allocation issued by General Foreman T. M. Deuerling on June 19, 1980 (exhibit H) for the application of cab heaters on diesel locomotives to employees of the Electricians Craft be rescinded, that the application of these cab heaters be returned to employees of the Sheet Metal Workers Craft as provided by Carrier allocations of September 18 and 26, 1950 (exhibits D and E respectively) and by Rules 33 and 77 of current Motive Power and Car Department Agreement.

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 employees 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.

This matter concerns a dispute as to the allocation of work involved in installing a new type of electrical heater in the cab of diesel locomotives. Such work was assigned on June 19, 1980 by Carrier's General Foreman to Electricians.

The Board finds that intervention by the Organization representing Electricians is proper. The Electricians were so notified and filed a submission and rebuttal with the Board.

The Carrier argues that the claim should be dismissed, since the Sheet Metal Workers failed to follow the provisions of Memorandum "A" of April 17, 1942, which provides in certain instances for conference among the General Chairman of crafts involved and a Carrier representative. The Board does not find the claim barred because of Memorandum "A". The Memorandum provides that "existing practices will be continued" unless otherwise decided by such conference and negotiation. In this instance, it is the contention of the Carrier (and the Electricians) that there is no existing practice, since the electrical heater installed was of a new type, contrary to the "existing practice" involving Sheet Metal Workers who had been installing forced air heaters.

The Carrier also finds the claim deficient in its failure to specify particular claimants and dates of work. The Organization does, however, refer to a specific allocation of work by the General Foreman, and the Board finds this contention sufficiently specific to consider the claim on its merits. Further, the Carrier's argument that the claim seeks "injunctive relief" is not determinative, as will be seen by the Board's consideration on the merits.

The Board finds that the substitution of an electrical heater is sufficiently at variance in nature from the type previously used to determine that substantially different work is involved. The Sheet Metal Workers do not claim the work of installing the electrical heater unit itself, but only the installation of the housing. The Board finds that the work involved is predominantly within the electrical craft and that the work in reference to the metal housing is a less significant portion. On this basis, the Board finds the claim without merit.

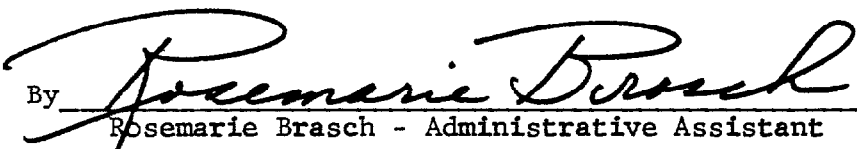
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 11th day of May, 1983.