

The Second Division consisted of the regular members and in addition Referee Tedford E. Schoonover when award was rendered.

Parties to Dispute: (Sheet Metal Workers' Intl. Association
(Clinchfield Railway Company)

Dispute: Claim of Employees:

1. That under the current Agreement the Carrier improperly assigned other than Sheet Metal Workers (Maintenance of Way Employees) to:

- (A) Install and connect the water supply and drain lines to an Ice Machine.
- (B) That accordingly, the Carrier be ordered to additionally compensate Sheet Metal Worker, D. V. Lynch in the amount of sixteen (16) hours at the time and one half rate for the above 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 employes 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.

Carrier operates shops at Erwin, Tennessee where it employs sheet metal workers for the repair of cars and locomotives. Located across the main line away from the shops is the CTC building (and passenger station) used for housing the Maintenance of Way, Communications and Signal Departments and the Employes Credit Union.

Sheet metal workers covered by the Agreement of September 1, 1949, are regularly used to perform work at the locomotive and freight car facility as specified in the Agreement effective September 1, 1949.

On June 18, 1981, Carrier assigned Maintenance of Way Employes to transport an ice machine and install it in the CTC Building by connecting the water and drain lines. The Organization contends sheet metal workers are regularly employed at the Erwin Shop and that carrier erred in assigning the work to other than sheet metal workers. Rule 49 of the Agreement is cited in support of the claim. Rule 49 provides as follows:

"CLASSIFICATION OF WORK

Rule 49, Sheet metal workers' work shall consist of tinning, coppersmithing and pipe fitting in shops, yards, buildings, on passenger coaches 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, (present practice between sheet metal workers and boilermakers to continue relative to gauge of iron), including brazing, pipe and spot welding, soldering, tinning, leading and babbitting, the bending, fitting, cutting, threading, brazing, connecting and disconnecting of air, water, gas, oil and steam pipes, the operating of babbitt fires, 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."

Carrier admits using Maintenance of Way forces for the work and asserts that such forces have always maintained the water supply for the CTC building and that the installation of the ice machine properly falls under the scope of the Maintenance of Way Department. It is also stated that the CTC building is not a shop building and nothing in the scope rule of the Sheet Metal Workers' Agreement gives the work to that craft.

Review of the record indicates that there has been a long history of controversy between the two Organizations over the jurisdictional issue, as evidenced by the following from Carrier's letter of March 9, 1982:

"The work was performed by a Maintenance of Way Water Supply & Equipment Maintainer because the building is not considered as being within the shop area. By practice, employees you represent do perform plumbing work within the shop area. The boundary on the south end, I understand, is Martin's Creek. Any facility across the fence on the east side, including the General Office Building and the old passenger station, has always been considered as outside of the shop area."

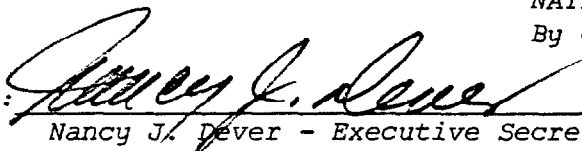
A close study of Rule 49 demonstrates that pipefitting as covered therein refers to such work in shops, yards, and buildings within the shop area as such work pertains to the servicing and repair of passenger coaches and engines. There is no evidence to support the assertion that the rule was intended to reserve to sheet metal workers the work of installing ice machines or incidental plumbing in buildings outside the shop area used by other departments. The mere reference to buildings in the rule is not sufficient to sustain the claim. In the absence of a showing that sheet metal workers have been recognized as having exclusively been used for the disputed work in the past the claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 18th day of July 1984.