

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

Parties to Dispute: ((Sheet Metal Workers' International Association
(Southern Pacific Transportation Company (Western Lines)

Dispute: Claim of Employees:

1. That the Carrier violated Rules 33 and 77 of the current Motive Power and Car Department Agreement when pipe work coming under these rules of Agreement and historically performed by employees of the Sheet Metal Workers' Craft was wrongfully assigned to employees of the Maintenance of Way Department.

2. That claimants R. Flores, J. Toney, J. Lee and J. McLucas be compensated by the Carrier for 40 hours pay each at their straight time rate of pay.

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 employees 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.

The Brotherhood of Maintenance of Way Employees was notified of this claim as a potential party of interest. The Brotherhood of Maintenance of Way Employees has provided a Submission for the Board's consideration.

This Claim arose after Maintenance of Way Employees ran two water pipes, each approximately twenty (20) feet long, from a shutoff valve to a Paint Spray Booth located within the Carrier's painting facility. The issue is whether work of this character has customarily and traditionally been performed by the Sheet Metal Craft and, therefore, is contractually reserved to that craft.

The Board notes that both parties have presented certain arguments and contentions related to this dispute that were not raised on the property. Therefore, these will not be given consideration in our deliberation in this matter.

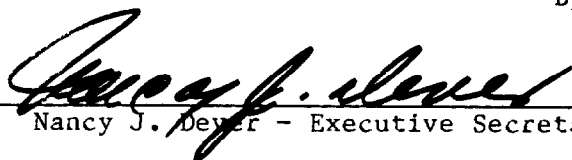
Turning to the merits, the Board had carefully reviewed the evidence properly before us. Based on this review, we conclude that the Organization has not successfully met its burden of proof required in matters such as here. We are satisfied that Maintenance of Way Employees have performed work of the kind described in the Claim in the past and under similar circumstances. Accordingly, under the particular facts and circumstances properly before us, the Claim must fail.

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 2nd day of September 1987.