

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12086
Docket No. 11767-T
91-2-89-2-54

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

PARTIES TO DISPUTE: (Sheet Metal Workers International Association
(
(Southern Railway Company

STATEMENT OF CLAIM:

That under the current Agreement the Carrier improperly assigned at the Atlanta Georgia Locomotive Shops Boilermakers Cox, Danielson and Clodfelter to fabricate and install handrails of square tubing replacing handrails constructed of pipe which the Sheet Metal Workers had cut fitted, installed and maintained for over 40 years.

Claimants are Sheet Metal workers S. D. McCook, S. C. Loggins, J. E. Williams, J. T. Mayes, J. L. Rucker and D. L. Reed in the amounts of:

Claim 1. 267 hours at the pro rata rate to be divided
equally between claimants.

Claim 2. 132 hours at the pro rata rate to be divided
equally between claimants.

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.

At Carrier's Atlanta, Georgia Diesel Shop, a number of guard and handrails made of pipe and plate were replaced and relocated with hand and guardrails made of square tubing and plate. The task of fabrication and installation was assigned to members of the Boilermaker's Craft. The Organization filed claims contending that members of the Sheet Metal Workers Craft should have been given the work.

Carrier contended that fabrication and installation of hand and guard-rails is not generally recognized as work of the Sheet Metal Workers Craft. Also, it argued that inasmuch as the disputed work was claimed by two crafts the matter must be resolved by the Memorandum for the Settlement of Jurisdictional Disputes and because the Organization did not move under the procedures of that understanding this Board lacks jurisdiction in the matter.

The Boilermaker's Organization filed a "Third Party" Brief in the matter, contending that the work was properly assigned under its Agreement and asserting that the Board was without jurisdiction to proceed because of the existence of the Jurisdictional Disputes Memorandum.

Notwithstanding the fact that this Board has held on a number of occasions in the past that fabrication and installation of handrails is not work belonging exclusively to members of Sheet Metal Workers Craft, (see for example Second Division Award 7147 and the awards cited therein), we are unable to accept jurisdiction over this Claim because resolution of the dispute is covered by the 1946 Disposition of Jurisdictional Disputes Memorandum of Understanding and is not subject to adjudication by this Board. See Second Division Awards 6809 and 7198 involving the same Organization and Carrier before us here.

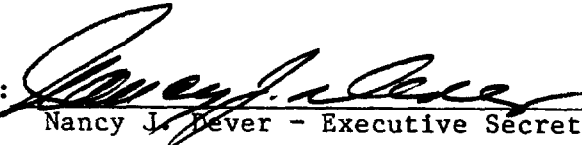
The Claim will be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 24th day of July 1991.