

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12358
Docket No. 11780-T
92-2-89-2-72

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
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(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

1. The Carrier violated the provisions of the current controlling agreement when they improperly assigned other than Sheet Metal Workers to service, inspect, connect and/or repair locomotives that pass through the Storage Track area at the Carrier's Northtown Diesel Facility commencing March 31, 1988 and continuing until properly adjusted.

2. That accordingly, the Carrier compensate Northtown Sheet Metal Workers R. Basham and L. Trinh, hereinafter referred to as the Claimants, in the amount of eight (8) hours pay at the overtime rate, to be divided equally among the Claimants, commencing March 31, 1988 and continuing on a daily basis until properly adjusted.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee 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.

As Third Party in Interest, the International Association of Machinists and Aerospace Workers and International Brotherhood of Electrical Workers were advised of the pendency of this dispute and each filed a response with the Division.

The Claim before this Board contends that the Organization's Agreement was violated when employees not assigned under the Sheet Metal Workers' Agreement performed the work of inspecting, connecting and disconnecting air


hoses, between locomotives. Carrier asserts that this work is not exclusively reserved to Sheet Metal Workers under its Agreement. In our Award 12072, involving the same Organization and the same Carrier, as well as some of the same elements of work, an Agreement violation was not found to have occurred when individuals not working under the Sheet Metal Workers Agreement manipulated gladhands on rubber air hoses (the principal task involved here). We do not find Award 12072 to be in palpable error. It will be followed here. (See also Second Division Award 12061 involving this Organization and a different Carrier, which reached the same result.)

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 1st day of July 1992.