

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12770
Docket No. 12600
94-2-92-2-145

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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(Chicago and North Western Transportation
(Company

STATEMENT OF CLAIM:

- "1. The Carrier violated the provisions of the current and the controlling agreement, and in particular Rule 29, 53, 102 and 103 of said agreement, when beginning on July 5th, 1991, it improperly began assigning Carmen the Sheet Metal Workers' duties of disconnecting, modifying, cutting, threading and connecting the air pipes on the passenger coaches at the Carrier's California Avenue facility.
2. That accordingly, the Carrier be directed to compensate Sheet Metal Workers D. Barry, C. Justice, C. Triplett, J. Maroney, J. Natera, J. Muniz, T. Thompson, M. Fryza, R. Klinge, R. Campbell, W. Singleton, R. LeCroy, K. Sourwine, R. Wilson, L. Kincade, J. Jenkover, and J. Mojica in the amount of 804 hours pay, equally divided among them, for the above listed violations. Inasmuch as this is a continuing time claim we are further requesting that the Claimants be compensated at the pro rata rate for the number of hours that this violation occurred after the initial 804 hours."

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 employee 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 Sheet Metal Workers Union has argued that its Agreement was violated when Carrier used Carmen to effect modifications to the air brake system on a number of commuter cars at its California Avenue shop. The work involved consisted of unscrewing an air brake truck hose from a "T" attached to an assembly, and then unscrewing the assembly from the cutout cock. Once the assembly was removed, a slightly longer assembly was screwed onto the cutout cock and the truck hose was reattached. Only one modification was made to each car, using two Carmen, taking approximately 45 minutes per car. There was no cutting or threading involved, the replacement was pre-assembled.

Carrier maintains that it assigned the work to Carmen, rather than Sheet Metal Workers because the work that was done was work on an air brake system on a passenger car and item (5) of the Carmen's Scope Rule contemplates that all air brake work on passenger cars belongs to Carmen.

To prevail in this matter the Sheet Metal Workers Union must demonstrate that it has an exclusive entitlement to the work complained of. This has not been done in this record. Accordingly, the Claim will be dismissed.

AWARD

Claim dismissed.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 17th day of November 1994.