

Award No. 178

Docket No. 195

2-NWP-EW-'37

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 114, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)**

NORTHWESTERN PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That electricians be compensated for all time lost due to other employes being used in making up and cutting down interurban trains in violation of the current agreement.

EMPLOYES' STATEMENT OF FACTS: The current agreement between the Northwestern Pacific Railroad and System Federation No. 114, Railway Employees' Department, A. F. of L., now in effect, provides for electricians to be used in making up and cutting down interurban trains. Copy of agreement is attached to the submission as Exhibit A, together with Exhibits B to M supporting employes' claim. Electricians have been performing this work since 1903 and continued to do so all during the depression. Since the uptrend in business during the past 1½ years, no electricians have been added to the force causing electricians employed by the Northwestern Pacific Railroad loss of time and employment due to the assignment of other than electrical workers to perform the work as outlined in Class B Rule of the electrical workers' agreement, effective as of June 15, 1930.

This case has been handled in accord with the provisions of the existing rules and the amended Railway Labor Act and our claim has been declined by the management and they also refuse to join us in submitting this case to the Second Division of the National Railroad Adjustment Board.

POSITION OF EMPLOYES: It has been the established practice of the Northwestern Pacific Railroad to use electricians in making up and cutting down of interurban trains for many years, provided for in Class B rule of current agreement, as follows:

Electricians, Class "B"—Rate 81¢ Per Hour

"Except as otherwise provided for, Class "B" Electricians' work shall consist of dismantling, adjusting, testing, repairing, assembling and installing electrical instruments of all kinds; winding armatures (not fan armatures), fields, rotors, starters, transformers and starting compensators, overhauling of switchboard apparatus, motors, generators and other electrical power plant and shop equipment; installing, repairing, rebabbiting and adjusting bearings for motors, generators and turbogenerators; turning commutators; assembling, rebuilding and treating of storage batteries and lead burning; and all other work generally recognized as Class 'B' Electricians' work.

In the latter part of 1928, Organizations influenced the Safety Section of the California Railroad Commission to intercede in their behalf. This time Organizations took another means of trying to gain their point by informing the Safety Section that not only did handling of electric cars violate the California Full Crew Act, but that the operation was unsafe. Matter was discussed at an informal conference held by the Safety Section, which was attended by the Organizations' Legislative Representatives and the General Superintendent of the Railroad Company. At this informal conference it was shown that there was no violation of the Full Crew Law, neither was there anything to substantiate statement of Organizations that there was a hazard of accident. On this showing the case was closed by the Safety Section and no action taken by the Commission.

In September, 1929, power rail was installed on an inside track at Sausalito, known as 'drill track,' which extends from Pier to Shops. This permits the movement by electricians of electric equipment between the Pier and Shops on an inside track as well as on double main track.

The history of this case, as outlined above, conclusively shows that electricians at Sausalito are not performing any service other than what they have performed ever since the road was electrified in 1903 for a period of 30 years.

There is nothing to merit consideration of Committee's request to substitute engineers for electricians at Sausalito Pier, and respectfully request that Company's position in this matter be upheld."

* * * * *

I believe you will agree the carrier did everything humanly possible to impress upon Division No. 1 the importance of recognizing the rights of electricians to build up and cut down electric trains.

It seems quite conclusive that any decision rendered by Division No. 2 in conflict with Award No. 1075, Division No. 1, would be impossible of application and would cause an insurmountable impasse not only between the organizations, but also between the carrier and organizations.

The carrier does not attempt to dictate the jurisdictional rights of either organization concerned, and is participating to the extent of avoiding controversies between the two groups of employees, and between the management and its employees. It is a well established fact that controversies of this kind cause a let-down in the observance of rules, thereby reducing service efficiency, and have a tendency to increase a disregard for operating rules which are essentially necessary for the safe and proper conduct of all concerned.

We have endeavored to make the carrier's position clear and trust your Honorable Board will carefully weigh all facts and circumstances herein submitted.

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 employe 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.

The parties to said dispute were given due notice of hearing thereon.

Electricians' Work-Rule 19, Section 2, reading as follows:

"Electric car equipment; coupling and uncoupling cars; making up and cutting down electric interurban trains; the understanding of train operation rules; interlocking and automatic signal performances in connection with the handling of trains in the interurban territory."

supports the position of the employes.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 20th day of October, 1937.