

Award No. 555

Docket No. 402

2-DL&W-EW-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee William E. Helander when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 78, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)**

**THE DELAWARE, LACKAWANNA & WESTERN RAILROAD
COMPANY**

DISPUTE: CLAIM OF EMPLOYEES: That Electrician Edward Egbert be compensated in amount equal to four hours at his regular rate of 86¢ per hour—total involved \$3.44.

EMPLOYEES' STATEMENT OF FACTS: On March 30, 1939, the regular assigned day off for Electrician Egbert, carmen, (inspectors and carpenters) employed at the Hoboken Terminal, were assigned to and performed the following work; and which is covered by the electrical workers' Classification of Work Rule 91, of the current agreement in the motive power and equipment department, effective November 1, 1935. Inspecting, operating and testing the pantographs, switchboards and controls, heater circuits, headlights and see they were in working order, inspecting all covers on motors and electrical equipment boxes, cleaning headlights and marker lights, renewing lamps and replacing fuses, removing and replacing auxiliary control and train line (electrical) jumpers.

Rule 91. "Electrician's work shall consist of repairing, rebuilding, installing, inspecting and maintaining the wiring of generators, switchboards, motors and controls, rheostats and controls, static and rotary transformers, motor generators, electric headlights and headlight generators, electric welding machines, storage batteries, and axle lighting equipment and lighting fixtures; winding armatures, fields, magnet coils, rotors, transformers and starting compensators, Wiring and conduits on steam and electric locomotives, passenger train and motor cars; include cable splicers and all other work properly recognized as electrician's work."

Rule 95. "Employees regularly assigned as helpers, who assist electrical workers and apprentices including the cleaning of headlights, marker and classification lamps, oiling turbo generators, renewing lamps and repairing sockets and classification lamps. Also perform such battery work as may be agreed to locally. The operating of cranes of 10 ton or less."

POSITION OF EMPLOYEES: The employees ask for compensation for Electrician Edward Egbert, equal to four hours as he was the electrician

compressors, removing and replacing light bulbs and fuse—all are inspection operations and could not be classified as electricians' work any more than the pushing of a light button or any type of button to operate machinery. Car inspectors make no electrical repairs and no claim is advanced that they do. They merely test the equipment to see if it operates, and if it doesn't they notify an electrician who makes a further check and the necessary repairs.

This is not a case where work has been transferred from one craft to another subsequent to the effective date of an agreement. In this case, car inspectors have performed the work in question since electric lights were installed in cars and the Division was electrified. It has never previously been protested. Petitioner now claims this work which for years has been performed by the carmen, for the electricians. The claim should be dismissed.

The parties to this dispute are the railroad company and the electricians. The carmen are not a party, and so far as railroad company is aware, have had no notice of the claim or an opportunity to present their side of the case. The railroad company therefore suggests that the carmen should have notice of this claim and an opportunity to present their submission to this Board.

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 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.

The record in this case does not show that any rule of the agreement was violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 29th day of January, 1941.