

Award No. 1624
Docket No. 1515
2-PULL-EW-'53

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Carroll R. Daugherty when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That the current agreement was violated when two Pennsylvania Railroad electricians were assigned on July 29, 1951 to apply cog belts to Pullman Car SYCAMORE FALLS; also, generator fuse to Pullman Car BARREN RIVER.

2. That accordingly the carrier be ordered to:

a) Discontinue the use of other than Pullman Company electricians to perform electrical work on Pullman equipment.

b) Compensate Pullman Company Electrician S. J. Bak in the amount of 2 hours and 40 minutes compensation at the time and one-half rate.

EMPLOYEES' STATEMENT OF FACTS: Sometime after 1:30 A. M. on July 29, 1951, two electricians employed by the Pennsylvania Railroad Company were assigned to apply cog belts to Pullman car SYCAMORE FALLS; also, applied generator fuse to Pullman car BARREN RIVER.

Pullman Company Electrician S. J. Bak employed on the 5:30 P. M. to 1:30 A. M. shift was available to perform this work on July 29, 1951, if called.

The agreement effective July 1, 1948, as subsequently amended, is controlling.

POSITION OF EMPLOYEES: It is submitted that Rules 2, 5(b) and 37 of the current agreement were violated when other than Pullman Company electricians were assigned to perform electrical work on Pullman cars SYCAMORE FALLS and BARREN RIVER on July 29, 1951.

The applicable part of Rule 2 provides:

"Assignment of Work.

None but journeymen or apprentices employed as such shall perform the work outlined in Rule 5 of this agreement."

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.

On July 29, 1951, Pennsylvania Railroad train No. 41 arrived in Pittsburgh, Pennsylvania, at 1:39 A. M., with cog belts in Pullman car SYCAMORE FALLS and a generator fuse in Pullman car BARREN RIVER in need of replacement or repair. A Pullman electrician having gone off duty at 1:30 A. M. of that date and no other Pullman electrician having been immediately available, the necessary work was performed by railroad electricians.

The facts involved in this dispute are essentially similar to those of record in the case decided by our Award No. 1601. Applying to the instant facts the principles and reasoning set forth in our Awards Nos. 1601 and 1622, we find that the carrier violated the parties' agreement, its violation could have been made adequately subject to its control, and the organization's claim should be allowed at pro rata rates of pay.

AWARD

Claim sustained as per findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 7th day of January, 1953.