

Award No. 2849

Docket No. 2750

2-IC-EW-'58

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Electrical Workers)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That under the Current Agreement the Carrier improperly assigned other than electrical workers of the Maintenance of Equipment Department to install switches, run conduit, junction boxes and other outlets and all the wiring in the Power House at Burnside Shops, Chicago, Illinois on April 25, 1956, thereby damaging electrical workers of the Maintenance of Equipment Department in the amount of twenty-four man hours of work, and that, accordingly;

The following regularly employed employees of the Carrier of the Maintenance of Equipment Department be compensated at the applicable time and one-half rate for each man hour worked which they were entitled to perform under the applicable rules of the current agreement.

G. R. Nordquist

J. T. Ficek

Paul Medrano

EMPLOYEES' STATEMENT OF FACTS: The carrier assigned Maintenance of Way electricians covered by the Section B agreement to perform electrical work inside of buildings on the grounds at Burnside Shops, Chicago, Illinois. This work was done in the power house of Burnside Shops.

Claimant employees of the Maintenance of Equipment Department are employed by the carrier and hold seniority as such.

The dispute was handled with carrier officials designated to handle such affairs who all declined to adjust same.

The agreement effective April 1, 1935, as subsequently amended, is controlling.

"Chicago, Illinois
September 3, 1957

Mr. R. E. Lorentz
Manager of Personnel

In April 1956 an electric sump pump was installed in the pump room at Burnside Shops. Power for this pump was supplied by tapping the outside power line in the power house at the safety switch and running a conduit across from the power house to the pump room.

The installation of lines from main power lines to shop buildings is chargeable to fixed property accounts and is not the responsibility of, or under the jurisdiction of, the Maintenance of Equipment Department.

/s/ J. A. Welsch
General Superintendent Motive Power

/s/ L. H. Schierbecker
General Superintendent Car Department

SEAL

Subscribed and sworn to before me at
Chicago, Illinois, this 3rd day of
September, 1957.

/s/ Narcie J. Sedlacek
Notary Public
10813 South Vernon Avenue

My commission expires September 7, 1960."

The work here involved not being under the jurisdiction of the Maintenance of Equipment Department and, therefore, not a part of Seniority District No. 3, there is no basis for the claim, and it should be denied.

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 therein.

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

Award No. 2848, made in Docket No. 2749, lays down the rule to be applied here. From the facts it appears that a sump pump inside the pump house at Burnside was being replaced. This was work properly belonging to the maintenance of equipment electricians who make the present claim.

AWARD

Claim sustained at pro rata rate of an electrician.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 12th day of May, 1958.

CARRIER MEMBERS DISSENT TO AWARD 2849

The majority's Findings refer to Award 2848, Docket 2749 and states:

"lays down the rule to be applied here. From the facts it appears that a sump pump inside the pump house at Burnside was being replaced. This was work properly belonging to the maintenance of equipment electricians who make the present claim."

See Dissent in Award 2848.

The record shows the work in question was similar to the work in dispute in Award 1970. Award 1970 remanded the claim, after holding that the change in seniority districts became effective in accordance with Section 6 of the Railway Labor Act. In conferences held on the property pursuant to Award 1970, the Organization would not be convinced that the work involved was not under the jurisdiction of the Mechanical Department. The Organization took the matter back to the Second Division, and in Award 2614 the Board held:

"It would appear from subsequent submission that the work in question was under the jurisdiction of the Maintenance of Way and Structures Department, Electrical Workers."

and the Award was "Claims denied." Award 1970 and its sequel, Award 2614, denied a claim on the same principle as is involved in this case. Far from supporting the position of the Organization, Award 1970 dictates that the present claim should be denied. The record clearly establishes the work here involved is under the jurisdiction of the Maintenance of Way and Structures and that it was properly assigned to electrical workers of that department.

There is no basis for the claim and it should have been denied.

/s/ J. A. Anderson

/s/ E. H. Fitcher

/s/ D. H. Hicks

/s/ R. P. Johnson

/s/ M. E. Somerlott