

Award No. 2884

Docket No. 2809

2-SP-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. 114, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Electrical Workers)**

SOUTHERN PACIFIC COMPANY (Pacific Lines)

DISPUTE: CLAIM OF EMPLOYEES:

1. That the provisions of the current agreement were violated when the Carrier assigned maintenance, repair and inspection work on evaporative air-conditioning equipment to other than Electrical Workers, and

2. That the Carrier be ordered to compensate Electricians Frank M. Byrd, Thomas B. Horn, A. M. Mattingly, Jarvis W. Clark, John F. Haney, C. F. Houston, Chas. W. Weitzel, J. R. Eaton, Chas. D. Hirschberger, T. E. King, H. O. Wilson, Allen W. Thomas and Electrician Helper Collin F. Elliott jointly for a total of 385 hours at the applicable rate of pay for electricians and helpers, to be divided equally among the group.

EMPLOYEES' STATEMENT OF FACTS: Electricians Frank M. Byrd, Thomas B. Horn, A. M. Mattingly, Jarvis W. Clark, John F. Haney, C. F. Houston, Chas. W. Weitzel, J. R. Eaton, Chas. D. Hirschberger, T. E. King, H. O. Wilson, Allen W. Thomas and Electrician Helper Collin F. Elliott, hereinafter referred to as the claimants, are regularly employed by the Southern Pacific Company (Pacific Lines), hereinafter referred to as the carrier, and assigned at El Paso, Texas, Rio Grande Division, in the Maintenance of Way Electrical Department.

The claimants all have a work week assignment of Monday through Friday (except holidays) with Saturday and Sunday as rest days. The hours of assignment are 7:00 A.M. to 11:30 A.M. and 12:00 to 3:30 P.M.

Prior to April 1, 1953, the claimants were assigned to perform the following work:

1. Fabricated evaporative coolers in the M. of W. Electric Shop.

By no manner of interpretation can those agreement provisions, individually or collectively be held to reserve to maintenance of way electricians on this property the exclusive right to the performance of all work in connection with the installation and maintenance of evaporative coolers here involved. It is a fact that certain work listed in Rules 2 and 3 is involved in the installation and maintenance of said coolers; however, it is also a fact that maintenance of way electricians are used for the performance of that work.

CONCLUSION

The carrier asserts that it has conclusively established that the claim in this docket is entirely lacking in either merit or agreement support and requests that said claim, if not dismissed, 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 herein.

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

In this docket the organization claims 385 hours pay for the named electricians who were not used to do the work on some evaporative water coolers. The work was done by water service employes of the Maintenance of Way Department between March 28, 1956 and May 11, 1956. The present dispute was submitted as a grievance on May 16, 1956 by Local Chairman Haney.

The docket contains a general description of the history of the use of evaporative coolers including their composition originally, their later refinements and the practices followed in installing and servicing them.

We find from this that an evaporative water-cooled air-conditioner, consists of a filter or evaporative pad which is kept moist by a flow of water pumped over it, and an electric fan to draw the cooled air.

The claim advanced for the electricians is that they are entitled to service the coolers and hence the evaporative pads because they are part of the coolers. It is not shown that any water service employes did any electrical work per se; but rather that they did more than supply the water when they worked inside the cooler on the pads.

The carrier claims that water service department employes and electricians have divided their respective parts of the work with the evaporative pads being handled by the water service employes since 1953. The organization shows that at one time much of the work on the evaporative pads was done by electricians.

At the risk of over-simplification and in order to draw the line somewhere on a logical basis, we are of the opinion that the evaporative pads, wetted down as the facts indicate here, cannot be held to be anything other than water service work. Obviously they are not electrical work such as the electric fan or electric pump which the electricians continue to have the right to do. The claim of the organization to break a practice although timely brought cannot be sustained on the merits.

2884—18

550

AWARD

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 9th day of June, 1958.