

Award No. 3273

Docket No. 2844

2-IC-EW-'59

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee James P. Carey, Jr., when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYEES' DEPARTMENT, A. F. of L.—C. I. O. (Electrical Workers)

THE 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 perform work on the fire alarm system in Burnside Shops on September 5, 1956, thereby damaging electrical workers of the Maintenance of Equipment Department in the amount of thirteen and one-half man hours of work and that, accordingly, the Carrier be ordered to discontinue such practice.

That the following regularly employed employes 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.

R. Ziegner

J. S. Reihel

R. Nicola

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 on the fire alarm system of Burnside Shops:

Claimant employes 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 work performed on the claim date was completed by **one electrician and one electrician helper**. The employes' request to compensate three electricians is at variance with the facts in this claim, in that only one electrician and one helper were utilized to perform the work in question. Electricians and electrician helpers are on separate rosters, and no evidence has been shown in handling this claim on the property that the services of three electricians were necessary or required on the claim date.

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 herein.

Parties to said dispute were given due notice of hearing thereon.

The work in question was performed on September 5, 1956, by one electrician and one electrician's helper of the Maintenance of Way and Structures Department. For the reasons stated in Award No. 3272, Docket No. 2843, the work belonged to electrical workers in the Maintenance of Equipment Department at Burnside Shops.

This claim is made on behalf of three named electricians for whom compensation is sought at penalty rate. As only one maintenance of way electrician did the work, the instant claim is sustained at the pro rata rate for electricians, such compensation to be paid the senior electrician among the named claimants. No compensation is awarded on account of work done by the electrician's helper.

AWARD

Claim sustained in accordance with findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 24th day of June 1959.