

Award No. 3662

Docket No. 3517

2-CofG-EW-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Lloyd H. Bailer when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 26, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L.— C. I. O. (Electrical Workers)**

CENTRAL OF GEORGIA RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Carrier violated the controlling Agreement on March 25, 1958 when it assigned work covered by the Shop Crafts Agreement to the Stewart-Goette Electric Company, Macon, Ga.

2. That accordingly the Carrier be ordered to additionally compensate Electricians C. M. Fowler, J. Howell and C. Shipes each for $\frac{1}{3}$ of the total number of hours at their respective pro rata rate of pay, that the contractors employees were engaged in the work of installing headlights and wiring on an Austin-Western Hydraulic Crane owned by the Carrier.

EMPLOYEES STATEMENT OF FACTS: The Central of Georgia Railway Company hereinafter referred to as the carrier improperly contracted with the Stewart-Goette Electric Company, of Macon, Georgia, to install a set of headlights, and the wiring thereof, on one Austin-Western Hydraulic Crane, at the carrier's freight loading platform near shops in Macon, Georgia on or about March 25, 1958.

Electrician C. M. Fowler, J. Howell, and C. Shipes, hereinafter referred to as the claimants, have and hold seniority as electricians at Macon, Georgia, are regularly assigned in carrier's electric shop at Macon, Georgia, and were available at the time in question.

This dispute has been handled with all carrier's officers designated to handle such disputes including the highest designated officer of the carrier, all of whom have failed to make satisfactory adjustment.

The agreement of September 1, 1949 between the carrier and its electricians, helpers, and apprentices is controlling.

3. The claim is in fact a request that the Board grant the petitioners a new all-encompassing rule. That under such facts in the past this Board has correctly held it is without authority to grant new rules, and

4. Since the claim clearly is not supported by the current contract on this property, the Board should not do other than render a denial award.

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 waived right of appearance at hearing thereon.

The disputed work which Carrier contracted to an outside firm consisted of installing headlights and the associated wiring on a hydraulic crane. This equipment is an off-track roadway machine operated by employes in the Maintenance of Way and Structures Department. The work in question is not specifically stated in Agreement Rule 97, the electricians' classification of work rule on which this claim is based. Further, it has not been shown that an established practice has developed wherein electricians have performed such work to the exclusion of others. The claim therefore must be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 30th day of January, 1961.