



Award No. 5932

Docket No. 5727

2-MP-EW-'70

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 2,
RAILWAY EMPLOYEES' DEPARTMENT, A.F.L.-C.I.O.
(ELECTRICAL WORKERS)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Missouri Pacific Railroad Company violated the rules of the current agreement when it hired Mr. Manns, a crane operator, as a qualified journeyman Electrician.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to remove Mr. Manns from the electrician seniority roster and also from the electrical craft as an electrician, placing him back as a crane operator.

EMPLOYEES' STATEMENT OF FACTS: The Missouri Pacific Railroad Company, hereinafter referred to as the carrier, maintains a regular force of crane operators at Kansas City, Missouri. While they are in the electrical workers' seniority division, they are a separate seniority division, and they have never performed any type of electrical work or worked with electricians when they were performing electrical work.

On November 19, 1950, Mr. E. R. Manns entered the service of Missouri Pacific Railroad as a machinist helper, transferred to the electrical craft as a crane operator on November 13, 1953, and furloughed from January 13, 1963 to December 31, 1963. On December 31, 1963 he was called back to service and remained in the service of Missouri Pacific Railroad as a crane operator until April 3, 1967, at which time he was furloughed, and the carrier employed him as a machinist helper.

The carrier proposed to advance Mr. Manns to electrician prior to April 3, 1967 and Mr. Manns was told at that time he neither had served an apprenticeship nor had four years' practical experience as the controlling agreements calls for and should not be advanced to electrician.

On August 24, 1967, after seventeen (17) years of employment as a machinist helper or crane operator, Mr. Manns was employed by the carrier as a qualified journeyman electrician. The carrier states that Mr. Manns has furnished the employing officer statements to the effect that he had better than four years' experience in the electrical field.

E. R. Manns not only had four years' experience as an electrician in outside industry as stated in the statements which he furnished, but he also had **fifteen years' experience as a crane operator** in the shop at Kansas City, work which falls within the classification of work rule of the electricians' craft. For these reasons, the carrier was fully justified in employing Manns as an electrician at Kansas City.

Based on the facts in this docket, E. R. Manns was qualified to be employed as an electrician. Accordingly, your board should deny the Employees' grievance.

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.

Petitioner avers that Carrier violated the Agreement when it hired Mr. Manns, a crane operator, as a qualified journeyman Electrician. It prays that Carrier be ordered to (1) remove Mr. Manns' name from the electrician seniority roster; (2) remove Mr. Manns from the electrical craft; and (3) place Mr. Manns back as a crane operator.

The contract between Carrier and System Federation No. 2, Railway Employees' Department (A.F.L.-C.I.O.) Mechanical Section, effective June 1, 1960, prescribes at page 44:

"ELECTRICAL WORKERS' QUALIFICATIONS: RULE 106. (a) Any man who has served an apprenticeship or who has had four years' practical experience in electrical work and is competent to execute same to a successful conclusion within a reasonable time shall constitute an electrical worker."

There is no evidence in this record, of probative value, that Manns had: (1) served an apprenticeship; or (2) had four years practical experience in electrical work; or (3) is competent to execute journeyman's electrical duties to a successful conclusion within a reasonable time. He, therefore, "shall not constitute an electrical worker".

We have no authority to order Carrier to remove Mr. Manns' name from the electrical craft—there may be some duties within that craft which he is qualified to do within the terms of the Agreement.

We have no power to order Carrier to return Mr. Manns to a position of crane operator.

We will award that Carrier remove Mr. Manns' name from the journeyman electricians' seniority roster unless and until he can satisfy the requirements prescribed in Rule 106, *supra*; and Carrier be enjoined from having Mr. Manns perform journeyman's electricians or other electrical work unless and until he qualifies for the performance of such duties as required by Rule 106.

A W A R D

Claim sustained in part and denied in part as prescribed in the Opinion,
supra.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 7th day of May, 1970.