

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C I. O.
((Electrical Workers)
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rules 25(a), (c), 26(a) and 107(a) of the June 1, 1960 controlling agreement when Diesel Foreman Larry Russell performed Electricians' work on January 11, 12, 19, 25, 26 and 26, 1975 and February 8, 1975 at North Little Rock, Arkansas.
2. That accordingly, the Carrier compensate Electricians H. A. Norris, E. S. Collins, P. C. Cross, G. H. Boyd, J. O. Neely, G. H. Blyth and L. N. Spinelli four (4) hours each at straight time rate for January 11, 12, 19, 25, 26 and 26, 1975 and February 8, 1975 respectively.

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.

This claim is based on an alleged exclusive right to perform certain work being vested in the electrical workers of system No. 2 Railway Employees' Department AFL-CIO. The Organization alleges that the connecting and removal of the electrical jumper cable from between engine consists is their work and not properly assignable to employes other than members of their craft.

The classification of work rule (107) refers to "electrical wiring". The organization draws our attention to the final phrase of rule 107 which reads "... and all other work properly recognized as electricians work".

There are several well reasoned awards of this Board which hold that the work which is the subject of this claim is not exclusively electricians' work (2223, 2413, 3684 and 5177).

There is evidence in the record that on this property the work in question has been assigned to electricians. In particular we note the actions of Master Mechanic J. W. Dent with regard to the assignment of this task to the electricians as opposed to permitting supervisors to perform the work.

The question we must decide is whether by agreement or past practice the right to perform this work was vested in the electricians. It is the opinion of this Board that if any right is so vested it must be by past practice in that our reading of rule 107 does not support the organizations' claim to the work. The interpretation urged on us with regard to the phrase "electrical wiring" is too broad. We do not believe that a reasonable interpretation of that phrase would extend its meaning to include the cables in question. The question of whether certain work is vested in a certain group of employes by practice has been before each of the several divisions of the National Railroad Adjustment Board on many occasions. We have consistently held that for a past practice to determine matters such as that before this Board, the practice must be system wide. We have no evidence in the record presented to this Board that such is true in the instant case. Master Mechanic Dent's actions are not controlling.

These findings, taken together with the Awards cited above, compel us to deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of February, 1978.