

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employes:

1. That the Seaboard Coast Line Railroad Company violated the controlling agreement effective January 1, 1968, in particular Rule 93 and 26(a) when on November 17, 1980 a Laborer was used to jump start a Company truck by applying cables from the battery from a forklift to the truck and on December 22, 1980, again a Laborer was used to jump start a Company truck by aplying (sic) cables from the battery on a shop mule to the truck.
2. That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate Electricians D. R. Sikes for two (2) hours and forty (40) minutes at the overtime rate of pay for November 17, 1980 and J. F. Bolden for two (2) hours and forty (40) minutes at the overtime rate of pay for December 22, 1980.

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 employes 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 Claimants, D. R. Sikes and J. F. Bolden, are employed by the Carrier, Seaboard Coast Line Railroad Company (now known as Seaboard System Railroad), as Electricians at its Waycross, Georgia, shop.

On November 17, 1980, and again on December 22, 1980, a laborer used battery cables to jump start a company truck, in the first instance from a forklift, and in the second from a shop mule. The Organization thereafter filed a claim on behalf of the Claimants, charging that the Carrier deprived the Claimants of their rightful work.

The Organization contends that jump starting of vehicles is work that is assigned to Electricians under Rule 93 of the controlling Agreement. The Organization asserts that if the Carrier has assigned this work to shop laborers in the past, then these work assignments violated the Agreement.

The Organization also contends that Electricians have both historically and contractually enjoyed the right to perform the work at issue. The Claimants, further, were available, willing, and able to perform the work. The Organization contends, therefore, that the Carrier wrongfully denied the Claimants their right to perform the work.

Finally, the Organization argues that the claim should be sustained, and each Claimant should be awarded two hours and forty minutes of pay at the overtime rate.

The Carrier contends that the work at issue is not reserved exclusively to Electricians under the controlling Agreement. The jump starting of vehicles is work that Management may assign at its discretion; this work historically has been performed by several crafts.

In addition, the Carrier argues that this work does not require special electrical training, so it may be performed by many classifications of employees.

The Carrier also maintains that if the work had been Electricians' work, the Claimants would not be entitled to a call because it was less than ten minutes' work. The Carrier points out that one of the Claimants would not have received additional compensation had he performed the work; the other Claimant was not on duty at the relevant time.

Finally, the Carrier argues that the Organization has introduced no evidence to support its contention that the work is reserved for Electricians. The Carrier asserts that the claim should be denied.

This Board has reviewed all of the evidence in this case, and it finds that there is no evidence that the work in question belongs exclusively to the Electricians. Moreover, the Carrier has presented substantial evidence that other crafts, including machinists, laborers, sheet metal workers, and boilermakers have performed the same work as is claimed in this dispute.

As this Board stated in Award 5738:

"The issue in this case is whether Carrier violated any electricians' rules when it permitted a crane operator to connect two jumper cables to two storage batteries to start his crane. Organization failed to prove that such work is exclusively reserved to electricians. We, therefore, find the claim without merit."

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Award No. 10516
Docket No. 10159-T
2-SCL-EW-'85

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 4th day of September 1985.