

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(Duluth, Missabe and Iron Range Railway Company

STATEMENT OF CLAIM:

1. That the Duluth Missabe & Iron Range Railway Company violated Rule 27 of the current Shopcraft Agreement dated October 1, 1979 when they exceeded time limits in their denial of the appeal.

2. That the Duluth Missabe & Iron Range Railway Company further violated Rule 74 and 29A of the current Shopcraft Agreement of October 1, 1979, when Supervisor Tom McDonald and Hostler Helper Alphonse Reff jump started a diesel locomotive.

3. Accordingly, the Duluth Missabe & Iron Range Railway Company be ordered to pay Electrician Wendell Goad four (4) hours at the straight time rate of pay.

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.

As Third Party in Interest, the International Brotherhood of Firemen and Oilers was advised of the pendency of this dispute, but chose not to intervene.

On March 25, 1987, at approximately 5:30 A.M. it was necessary to jump start a locomotive at Carrier's Proctor, Minnesota, Diesel Shop. There were no Electricians on duty at the time. A Supervisor instructed a Laborer, assigned under the Firemen and Oilers Agreement, to connect spring clamp jumper cables between two locomotives. Upon learning of this, a Claim for four hours pay at straight time rates was filed on behalf of Claimant by the Organization.

The Claim was appealed to Carrier's Director of Labor Relations on June 25, 1987. It was denied by him on August 26, 1987. The Organization claims that this denial is outside the time limits provided in its Agreement; thus, the Claim is payable on default. It also appeals on the merits.

The evidence before us is conclusive that while the appeal was dated June 25, 1987, it was not received by Carrier's Director of Labor Relations until June 29, 1987. This is the date, by well defined authority, that the Claim was considered filed. Carrier had sixty days from that date within which to answer. Its answer was dated August 26, 1987, which is within sixty days. See Second Division Awards 11257, 10637, 10145, 8833, 8678 and 8268, as well as Third Division Awards 24232 and 10490, all of which hold that the time limit to respond to a claim begins on the date that it was received, not the date mailed by the Organization.

On the merits of the matter our attention has been directed to a number of Awards which conclude that Electricians do not have an exclusive entitlement to jump start equipment.

In First Division Award 23419 it was stated:

"'Jumping' dead engines is the work of no particular craft or class of employees."

In Second Division Award 8969 Electricians claimed that their Agreement was violated when a Car Foreman directed a Laborer to jump start a forklift. In denying the Claim the Board held that "... this particular work does not belong to electrical workers"

In Second Division Award 5738 a Claim was presented on behalf of two Electricians because employees not covered by their Agreement jump started a locomotive. In denying the Claim the Board concluded that the "... Organization failed to prove that such work was exclusively reserved to electricians."

Second Division Award 5177 is another situation where non-Electricians were used to jump start a locomotive. The Board stated it could not "... find that such work with jumper cables belongs exclusively to electricians."

We have not been furnished any Awards reaching different results. Accordingly, the Claim must be denied.

A W A R D

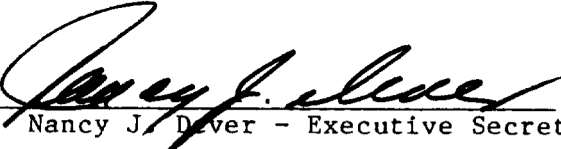
Claim denied.

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Award No. 11838
Docket No. 11570-T
90-2-88-2-86

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 14th day of March 1990.