

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12515
Docket No. 12140-T
93-2-91-2-13

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

(International Brotherhood of
(Electrical Workers, AFL-CIO
(System Council No. 2

PARTIES TO DISPUTE:

(
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM:

"1. That the Missouri Pacific Railroad Company violated Rules 25 and 107(a) of the June 1, 1960 controlling agreement, Article III of the September 25, 1964 National Agreement, amended by the Letter of Understanding dated December 12, 1979, when Foreman G. W. Davis at approximately 3:00 A.M., performed electricians' work on November 26, 1989, thus depriving Electrician H. L. Head of this contractual rights under the provisions of the agreements at North Little Rock, Arkansas.

2. That accordingly, the Missouri Pacific Railroad Company be ordered to (1) compensate Electrician H. L. Head two (2) hours and forty (40) minutes at time and one-half the straight time rate in effect for November 26, 1989; (2) that the Carrier cease and desist the practice of assigning other than electricians to do work recognized as work of the Electrical Workers' craft; (3) in addition to the money amounts claimed herein, the Carrier shall pay Claimant an additional amount of 6% per annum compounded annually on the anniversary date of the claim."

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.

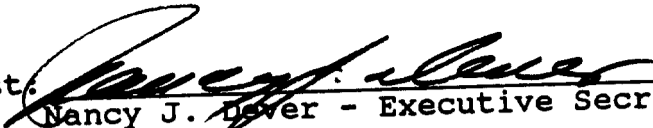
As Third Party in Interest, the American Railway and Airway Supervisors Association was advised of the pendency of this dispute, but chose not to file a Submission with the Division.

The facts in this record demonstrate that one of Carrier's Supervisors performed work of the Electrical Craft when he attempted to trouble shoot, inspect, and repair problems connected with a sounding alarm bell and a ground relay light activated on a locomotive consist on November 26, 1989, at Carrier's North Little Rock, Arkansas, facility. Carrier concedes that the Supervisor performed the disputed work, however, it suggests that it was only "audit work" necessitated because the Electricians assigned were experiencing difficulty in locating the malfunction. In the circumstances present the work should have been completed by Craft employees. The Claim will be sustained at straight time rates. Interest will not be allowed.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of March 1993.