

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12862
Docket No. 12566
95-2-92-2-110

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

(International Brotherhood of Electrical
(Workers
PARTIES TO DISPUTE: (
(Burlington Northern Railroad

STATEMENT OF CLAIM:

"1. That in violation of the governing Agreement, Electrician J. R. Godsil of Galesburg, Illinois was denied compensation as a result of the Carrier's violation of the governing Agreement when it assigned a train crew member to perform work of the Electrical Craft at Galseburg, Illinois on April 2, 1991.

2. That accordingly, the Burlington Northern Railroad Company be directed to compensate Galseburg, Illinois Electrician J. R. Godsil 2.7 hours at the punitive 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 employee or employees involved in this dispute are respectively carrier and employee 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 Brotherhood of Locomotive Engineers, The United Transportation Union, The International Association of Machinists, The International Brotherhood of Firemen and Oilers, and the American Railway Supervisors' Association have been joined as a Third Party in this dispute in accordance with Transportation-Communications Employees Union v. Union Pacific Railroad (385 U.S. 158, (1966)), and were given the opportunity to file Submissions which were made a part of the record.

On the date of claim, Carrier's Galesburg Diesel Shop Supervisor dispatched a Laborer to take a Head of Train ("HOT") monitoring device to the departure yard for placement on the lead locomotive on Train No. 65 which was scheduled to depart at 8:08 AM. A HOT monitor is an electronic device, used in connection with an End of Train ("EOT") device which signals conditions at the end of the train. The task of placing a HOT monitor on a locomotive involves plugging a connector wire into the unit and screwing an antenna cable to a receptacle. On this date a member of the train crew made the connections. The Petitioner here contends that Rule 76 of its Agreement was violated when the task was performed by individuals not covered by its Agreement. Carrier contends that plugging in a connector wire and attaching an antenna cable is not the same as testing, repairing, wiring, maintaining, or installing equipment that requires the skill of a journeyman Electrician. Carrier maintains that at Galesburg and elsewhere throughout its system Train Crews, Laborers, Machinists and other Shop Craft employees regularly perform this minimal task, as well as Electricians.

For the Organization to prevail it must demonstrate that the complained of work involved either the testing, installing, removing, maintaining, calibrating, overhauling, and/or the electrical inspection of the HOT monitor, as contemplated by Rule 76 of its Agreement. This has not been done, indeed it has not been attempted in this record. It has not been shown that any testing occurred, nor has it been shown that calibrating, overhauling or electrical inspection was in any way involved when the HOT device was delivered to the locomotive by a Laborer and installed by a member of the Train Crew. The only task completed by the Laborer and Train Crew that comes remotely close to falling within the scope of Electrician's work, as detailed in Rule 76, is the task of installing the HOT device. The Board is not persuaded that plugging in a connector wire and attaching an antenna cable to a HOT device is installing work that is reserved exclusively to Electricians under its Agreement. "Install" as used in Rule 76, most certainly involves installations that are not mundane and commonplace, task that take just a few moments to complete, such as the task involved here. "Install" as used in Rule 76 means work activity that requires skills associated with the Electrician's Craft, not something that takes but a few moments to complete and is easily accomplished by unskilled personnel.

The claim is without merit. It will be denied.

A W A R D

Claim denied.

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O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 17th day of April 1995.