

Award No. 428
Docket No. 464
2-NYNH&H-EW-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 17, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)**

**THE NEW YORK, NEW HAVEN AND HARTFORD
RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYES: Request that an electrician's rate be substituted for that of an electrician's helper in the dismantling of train control parts in the stripping shed at Readville locomotive shop.

JOINT STATEMENT OF FACTS: At Readville dismantling is performed by electrical worker helpers under the direction of mechanics. No electrical workers are so employed, the mechanics being those of other crafts.

POSITION OF EMPLOYES: On May 15, 1937, the general chairman of electrical workers met in conference with Mr. John O'Meara, superintendent of Readville shops and protested the fact of electrician's helper performing work in accord with Rule 101, Classification of Electricians.

"Electricians' work shall consist of maintaining, repairing, rebuilding, inspecting and installing the electric wiring of generators, switchboards, meters, motors and controls, rheostats and controls, motor generators, electric headlights, and headlight generators, electric welding machines, storage batteries except as provided in Rule 104, axle lighting equipment, electric lighting fixtures and cables; winding armatures, fields, magnet coils, rotors, transformers and starting compensators; inside and outside wiring at shops, buildings and yards and conduit work in connection therewith, including steam and electric locomotives, passenger trains, motor cars, electric tractors, and electric trucks. High tension power house and substation operators, electric crane operators for cranes of 60-ton capacity or over, and all other work generally recognized as electricians' work."

A decision was received from Mr. J. W. O'Meara as follows:

"Readville Shops, May 21, 1937
File No. 013.3

Mr. Charles J. Regan—General Chairman
638 Crotona Park Electricians
South Bronx, N. Y.

Dear Sir:

With reference to meeting held in my office May 15, 1937 whereby you made a request for the electrician helper dismantling train control parts in the Stripping Shed at Readville Shops to receive an electrician's rate:

2nd—Rule 93—Sheet Metal Workers' Classification:**Item 1—**

"Dismantling does not include work covered by Item 1, following Rule 95."

Item 1, following Rule 95, defines, among other things, as sheet metal worker helper's work:

"Dismantling—under the direction of a mechanic."

It will be noted here, the distinction made in the language used in Item 2 under Rule 60 and that appearing in Item 1 under Rule 95. Under Rule 60, the language is specific—"Under the direction of a machinist"—whereas under Item 1 of Rule 95, it states "under the direction of a mechanic." (Underscoring ours.) The mechanic referred to in Rule 95 is the machinist specifically provided for in Rule 60 and which machinist is the mechanic who, it was agreed, would be substituted for a foreman under whose direction helpers had formerly worked in stripping or dismantling of locomotives.

This same thought is further conveyed by present Rules 107 and 109, although not an issue in this particular case. Item 1 of Rule 107—Carmen's Classification—excludes therefrom dismantling performed by helpers as covered by Note 1 of Rule 109. Note 1 of Rule 109 defines helper's work, among other things, as "dismantling under the direction of a mechanic." Note here again the use of the term "mechanic" which further supports the understanding that all that was intended and all that was agreed to, was that helpers perform dismantling under the direction of a mechanic.

It will be noted that Rule 101, Classification of Electricians, contains no reference to dismantling. The committee holds that it is covered by that portion of Rule 101 "and all other work generally recognized as Electricians' work." We maintain, and the records so support as indicated by the rules of the other classifications referred to, that the work of dismantling has not—at least on this property—been generally recognized as the work of a mechanic of any craft, but rather that it has been done by helpers under the direction of a mechanic and that it is being so done at Readville under the direction of a mechanic.

The complaint of the electrical workers is a repudiation of a very definite understanding had in connection with the disposition of the dismantling question at the meetings of November 18 and 19, 1936.

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.

The parties to the dispute were given due notice of hearing thereon.

Rule 104 outlines the work that may be performed by electrician helpers:

"Employes regularly assigned as helpers to assist electrical workers or apprentices; motor oilers and men who perform such battery work as may be agreed upon locally."

The work assigned to the helper as related in the instant case is not in conformity with the provisions of the above quoted rule.

AWARD

Claim of employes sustained without retroactive effect.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 22nd day of January, 1940.