

Award No. 1358

Docket No. 1271

2-Erie-EW-'50

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Adolph E. Wenke when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 100, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)**

ERIE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement the operation of the overhead electric traveling crane in the Diesel Shop at Marion, Ohio, is the work of electrician helpers and not that of employes in any other craft.

2. That accordingly the carrier be ordered to assign electrician helpers to perform the aforesaid work.

EMPLOYEES' STATEMENT OF FACTS: At Marion, Ohio, the carrier maintains a Diesel shop, and in it an overhead electric traveling crane of 25-ton capacity. This crane travels on two rails, one located on each side of the shop about 40 feet above the floor. The crane travels the full length of the shop or about 220 feet, and also cross-wise the shop, a distance of about 60 feet.

The carrier requires this crane operated on each shift, as needed, by other than electrician helpers, although on each shift in this shop electrician helpers are regularly employed.

The agreement dated effective as to rates of pay July 1, 1942, and effective as to rules August 1, 1942, as subsequently amended, is controlling.

POSITION OF EMPLOYEES: It is submitted that the operation of the crane in question is included in the aforementioned collective agreement as work of electrician helpers. This is supported by the following:

1. The electrician helpers' classification of work provisions of Rule 76, in pertinent part which reads:

"Employes regularly assigned to assist electricians and apprentices, and overhead crane operators who travel with and operate cranes, except those covered by Rule 74, shall be classified as electrician helpers."

2. The electrician helpers' differential provisions of Rule 79(b), in pertinent part which reads:

"Helpers traveling with and operating overhead electric traveling cranes . . . of under (30) tons capacity will receive five (5) cents per

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 said dispute were given due notice of hearing thereon.

There is no dispute as to the manner in which this overhead electrical traveling crane of the carrier, located in its Diesel shop at Marion, Ohio, is operated. It is operated from the floor of the shop by means of an automatic push button control suspended from the crane by a drop cable.

Rule 76 of the parties' agreement effective August 1, 1942, so far as here applicable, provides: "* * * overhead electric crane operators who travel with and operate cranes, * * *, shall be classified as Electrician Helpers."

The record presents the question, does Rule 76, as above quoted, require the operator to travel overhead with the crane when operating it in order to bring him within the meaning thereof?

"Travel with" as here used, according to Funk & Wagnalls New Standard Dictionary, means: the act of traveling or moving in the company of or by the use of. And, according to Webster's International Unabridged Dictionary, Second Edition, it means: to move from place to place in accompaniment of or alongside of.

We find, by reason of the language used in Rule 76, that the operator of an overhead electric crane must travel overhead with the crane while operating it in order to come within the meaning thereof. Consequently the contention of the Electrical Workers of System Federation No. 100 is not well taken.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 23rd day of January, 1950.