

Award No. 1481

Docket No. 1378

2-LI-EW-'51

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Edward F. Carter when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 156, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.—ELECTRICAL WORKERS**

THE LONG ISLAND RAIL ROAD COMPANY

Debtor

William H. Draper, Jr., Trustee

DISPUTE: CLAIM OF EMPLOYEES: 1—That the current agreement was violated when the Carrier transferred the operation of Bellaire Substation No. 8-B from the Maintenance of Equipment incumbent Electricians holding such assignments to other employes of the Power Directors' Department, effective January 5, 1949.

2—That accordingly the Carrier be ordered to restore the operation of this Sub-station to the Electricians of the Maintenance of Equipment Department and compensate them at the applicable rate of pay for each eight (8) hour shift it has been operated retroactive to the aforesaid date.

EMPLOYEES' STATEMENT OF FACTS: Prior to January 5, 1949 the carrier maintained the operation of Bellaire sub-station No. 8-B that has two rectifiers, eight D. C. feeders or sections, and one A. C. feeder, twenty-four (24) hours per day, seven (7) days per week with power operators (electricians) of the maintenance of equipment department and this is affirmed by bulletin No. 1283 dated March 15, 1948, which in pertinent part reads as follows:

"Bids for the following positions will be accepted by the Officer named below until 9:00 A. M., April 1st, 1948 . . .

Group No. 7

Position	(1) Power Operator (Permanent)
Location	Substation No. 8-B
Tour of Duty	6:00 A. M. to 2:00 P. M. 7 days per week—Relief Day Sunday
Rate of Pay	\$1.39 per hour
Qualifications	Power Operator's duties.

In view of the foregoing and for the reasons stated, there is no basis for this claim and accordingly it should be denied.
Jamaica, N. Y., May 2nd, 1951.

EXHIBIT "A"

RECORD OF REMOTE CONTROL OPERATION

BELLAIRE 8-B

4/16/51 to 4/20/51

Date	Time	Work Performed	Time Consumed
4/16/51	5:30 A. M.	Checked	1 Min.
"	7:50 A. M.	Sect-Tripped	1 Min.
"	11:00 A. M.	Third Rail test & Master trip test	4 Mins.
"		Changed Rectifiers	2 Mins.
"	2:20 P. M.	Cut in Rect.	1 Min.
"	5:00 P. M.	Checked	1 Min.
4/17/51	5:30 A. M.	Checked	1 Min.
"	11:00 A. M.	3rd Rail Test	4 Mins.
"	12:00 Noon	Changed Rect's	3 Mins.
"	4:00 P. M.	Checked Rect's	1 Min.
"	4:30 P. M.	Cut in Rect's	1 Min.
"	7:00 P. M.	Cut out Rect's	1 Min.
4/18/51	5:30 A. M.	Checked	1 Min.
"		Rect. cut out Supr., check	3 Mins.
"	4:30 P. M.	Rect. cut in	1 Min.
"	7:00 P. M.	Cut out Rect.	1 Min.
4/19/51	5:30 A. M.	Checked Supr.	2 Mins.
"		D. C. Section tested	4 Mins.
"	12:00 Noon	Changed Rectifiers	3 Mins.
"	4:30 P. M.	Cut in Rectifiers	2 Mins.
4/20/51	12:02 A. M.	Sect. tripped	2 Mins.
"	7:00 A. M.	Rectifiers cut in	2 Mins.
"	5:30 A. M.	Checked Supr.	2 Mins.
"		D. C. Sections checked	4 Mins.
"	12:00 Noon	Changed Rectifiers	3 Mins.
"	4:00 P. M.	Checked Supr. Control	2 Mins.
Total			53 Mins.

Average per day 10.6 Mins.

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.

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

Prior to January 5, 1949, carrier operated Bellaire Sub-Station No. 8-B with Power Operators (Electricians) around the clock, seven days per week. When the centralized control system was completed, the power operators' positions at Bellaire Sub-Station were abolished, the work being handled by Power Directors or Assistant Power Directors at the Centralized Control Station.

The record shows that carrier undertook a power improvement program in 1947 for the purpose, among others, of increasing the voltage of the third

rail power supply. Twelve new Mercury Arc Rectifier Sub-Stations were constructed in the heavily traveled electrified zone. It is contemplated eventually that all of these sub-stations will be operated automatically from a centralized point. Due to a shortage of labor and materials, the remote control phase of Bellaire Sub-Station was not completed when the sub-station was put in operation. This necessitated the assigning of power operators to operate the sub-station around the clock. When the remote control phase was completed, the power operator positions were abolished and the work at the sub-station was performed by assistant power directors by remote control from the centralized control station. The organization argues that although carrier may properly install and operate a centralized power control system, the work of operating it belongs to power operators and that it is a violation of the agreement to permit the supervisory power directors or their assistants to operate the power control system from the central point.

Prior to the installation of the centralized power control system, the sub-stations were manually operated by power operators under the direction and supervision of a power director and assistant power directors. It is evident that the definition of power operator's work contemplated only the manual operation of sub-stations under the direction of a power director. Nor was it contemplated that sub-stations would be operated by power directors through the medium of automatic supervisory control. In other words, the agreement does not provide whether power operators, who manually operated the sub-stations under the former system, shall succeed to the work of operating the centralized control system, or on the other hand whether power directors whose previous work was supervisory only, can properly operate the modernized system. We do not think that the agreement of the power operators (electricians) includes the work within its scope. Nor does the record indicate that the work is within the scope of any other agreement. The work of operating the centralized power control system does not appear to have been the subject of negotiation or agreement. This makes it a jurisdictional dispute. There must be an agreement with reference to the work before this Board has jurisdiction to act, this Board being solely an interpreting agency under the law creating it. See Awards 4452, 4768, Third Division.

The dispute is only for negotiation between the parties concerned and, in case of failure, the National Mediation Board and not this Board constitutes the forum for its final settlement.

AWARD

Claim remanded as per findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of August, 1951.