

Award No. 1926
Docket No. 1863
2-Belt-EW-'55

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 130, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

THE BELT RAILWAY COMPANY OF CHICAGO

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement the Carrier improperly assigned other than an Electrician to connect cables from electric welding machine to traction electric motors and to move an engine truck by motoring traction electric motors with an electric welder on March 14, 1954.

2. That accordingly the Carrier be ordered to additionally compensate Electrician C. C. Perry in the amount of five (5) hours' pay at the applicable rate of pay.

EMPLOYEES' STATEMENT OF FACTS: On March 14, 1954, the foreman in charge of the Chicago Diesel repair shop assigned Foreman I. D. Stocking to move an engine truck by motoring traction motors with an electric welder.

The electric welder in this case acts as a power plant which makes the current to drive the traction motor, the traction motor in turn furnishes the power to move the truck which the traction motor is mounted on.

The connection and disconnection of cables is also necessary between the electric welder and the traction motor.

Electrician C. C. Perry, (hereafter referred to as the claimant) is an hourly rated employe, regularly employed by the carrier in their Chicago Diesel repair shop who was available March 14, 1954, to perform this work.

The dispute was handled with carrier officials designated to handle such affairs who all declined to adjust the matter.

The agreement effective September 3, 1950, as subsequently amended is controlling.

POSITION OF EMPLOYEES: It is submitted that under the provisions of Rule 81, "Classification of Work", reading:

"Electricians' work shall consist of erecting, repairing, rebuilding, installing, inspecting and maintaining electric generators, switchboards, motors and control, rheostats and control, static and rotary transformers, motor generators, electric headlights and headlight generators, electric welding machines, storage batteries and axle

and electric locomotives, passenger coaches and motor cars; include cable splicers, wiremen, armature winders and all other work properly recognized as electricians' work.

NOTE: The classifying of crane operators as electrical workers in the above rule will not prevent the selection of crane operators from other than the ranks of electrical workers."

Supervisor of Diesel Operations Olson made a personal investigation of this matter, including an interview with Electrician Helper Cobb who informed him that **Electrician Campbell connected up the grinder power supply** (referred to by the employes as an electric welder) to a truck of locomotive No. 410 and told Mr. Cobb to move the truck out when he (Campbell) had lifted the engine.

This is contrary to the statement made by the employes in the notification to the Second Division underscored above to the effect that other than an electrician connected cables to the traction electric motors.

The actions of Foreman Stocking on March 14, 1954, cannot be considered in violation of Rule 81 of the current agreement under the circumstances outlined. He shut off the power in this emergency to avoid an impending accident. Had he not acted quickly, the consequences would have undoubtedly been serious. The foreman could not wait for Electrician Helper Cobb to return to the power switch and most certainly could not wait for the arrival of Electrician Perry who the organization claims should have been called from home after completing his work on the day shift.

We respect the rights of work accruing to our employes under agreements entered into with them, but we do assert emphatically that management could not meet its obligations with respect to the welfare of its employes and protection of its property if it is denied the right of performance of work by any employe, supervisor or officer in an emergency as was created in this case without payment of penalties. Claim for payment of additional compensation is not justified and should be denied.

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.

The facts of record indicate that electricians performed the electrical work in connection with connecting the cables from the welding generator to the traction motors.

The facts relative to the moving of the engine truck are in conflict. In view of the circumstances in the instant dispute, the claim for compensation is denied.

AWARD

Claim disposed of in accordance with the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 11th day of May, 1955.