

Award No. 2823

Docket No. 2673

2-GN-EW-'58

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Livingston Smith when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO
(Electrical Workers—Communications Dept.)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

That W. C. Haupt, Telephone Inspector, be allowed eight (8) hours at time and one-half rate, account of other than Great Northern employes performing the maintenance work on the Electronic Scale at Allouez, Wisconsin, on April 5th, 1956 and all subsequent days that this violation exists, when other than Communications' employes were assigned to do this work.

EMPLOYEES' STATEMENT OF FACTS: The Great Northern Railway Company, hereinafter referred to as the carrier, had an electronic scale installed in its scale house at Allouez, Wisconsin by the Engineering Research Associates, on or about March 1, 1955.

Under date of March 8, 1955, Mr. C. A. Pearson, assistant to the president-personnel, on this carrier, directed a letter to General Chairman F. L. Elliott, relative to the maintenance of the electronic scale, wherein he stated:

"In order to keep it properly checked and maintained after it is turned over to the Railway Company, it is proposed to have the regular Class 1-A Telephone Inspector at Superior handle such maintenance. We expect to bulletin a temporary vacancy, with headquarters at Superior, using the man filling such temporary vacancy to handle the Superior district in general and the present regular man to handle Allouez and any other part of the district which time permits."

Copy of Mr. Pearson's letter of March 8, 1955 is submitted herewith and identified as Exhibit A.

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 therein.

The confronting claim is presented in behalf of one W. C. Haupt, classified as telephone inspector, for eight (8) hours' pay, punitive rate, for April 5, 1956, and all subsequent dates when certain maintenance work was allegedly performed by employes not covered by the effective agreement.

The work in question concerns maintenance of an electronic scale or weighing mechanism at Allouez, Wisconsin. The record indicates this instrument was installed on the carrier's property by the Remington Rand Corporation on a "rental-use" basis. The record further indicates that employes of the carrier performed maintenance work thereon and during the winter season assisted in the overhauling of the weighing instrument. However, it is noted that such work, insofar as the company's employes were concerned, was for the basis of training. Some time after the initial installation of this device a supplemental agreement was entered into between the carrier and the Remington Rand Corporation under and by virtue of which all maintenance of this device was restricted to that supplied by Remington Rand Corporation as long as the ownership thereof was vested in that Corporation.

While it is true that arrangements were made to train carrier personnel (electricians) to take over the repair and maintenance of the aforesaid equipment, it is clear that the assumption of these duties by electricians, as reflected by the correspondence between the parties, was contingent upon the sale and delivery of said equipment to the carrier.

In brief, the maintenance work in question did not belong within the scope of the agreement unless and until the device was purchased by and turned over to the carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 14th day of April, 1958.