

Award No. 2852

Docket No. 2804

2-IC-EW-'58

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYES'
DEPARTMENT, AFL-CIO (Electrical Workers)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That under the current Agreement the Carrier improperly assigned other than electrical workers of the Maintenance of Equipment Department to perform work on the fire alarm system in Burnside Shops for a period beginning June 1, 1956 and ending June 5, 1956 thereby damaging electrical workers of the Maintenance of Equipment Department in the amount of forty man hours of work.

That, accordingly, the following regularly employed employees of the Carrier of the Maintenance of Equipment Department be compensated at the applicable time and one-half rate for each man hour worked which they were entitled to perform under the applicable rules of the current agreement.

L. J. Peck
E. Bracken
W. E. Taylor

F. Graziano
D. Pope

EMPLOYES' STATEMENT OF FACTS: The carrier assigned Maintenance of Way electricians covered by the Section B agreement to perform electrical work inside of buildings on the grounds at Burnside Shops, Chicago, Ill. This work was done on the fire alarm system of Burnside Shop.

Claimant employees of the Maintenance of Equipment Department are employed by the carrier and hold seniority as such.

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

The agreement effective April 1, 1935, as subsequently amended, is controlling.

construction, installation, and maintenance on fixed property on the Illinois Central Railroad, and in the performance of this responsibility, I report to the Engineer Maintenance of Way.

In June, 1956, electricians of the Maintenance of Way and Structures Department performed maintenance to the Fire Alarm System at Burnside Shops. The performance of such maintenance is the responsibility of and under the jurisdiction and supervision of the Maintenance of Way and Structures Department.

/s/ P. B. Burley
Superintendent Communication
and Electrical Engineer

SEAL

Subscribed and sworn to before me at
Chicago, Illinois, this 10th day of
October, 1957.

/s/ Narcie J. Sedlacek
Notary Public
10813 South Vernon Avenue

My commission expires September 7, 1960."

The work here involved not being under the jurisdiction of the Maintenance of Equipment Department and, therefore, not a part of Seniority District No. 3, there is no basis for the claim, and it 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 fire alarm system at Burnside Shops, having been worked on by maintenance of way electricians, is now the focus of dispute. The organization states that the work done was inside of the buildings. The carrier says the work was maintenance of a separate independent battery powered electrical system including fire alarm boxes "in all shop buildings * * * connected between buildings."

The criterion established in our Award No. 2848, Docket No. 2749, requires more complete facts than have been presented, if it is to be applied to a hybrid work situation of this sort.

The claim is remanded to the parties for further progression on the property to establish the extent of the work inside buildings and outside buildings and for determination in harmony with our ruling.

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 13th day of May, 1958.