

Award No. 2880

Docket No. 2711

2-Pull-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. 122, RAILWAY EMPLOYEES'
DEPARTMENT, AFL (Electrical Workers)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the current agreement was violated when Assistant Foreman H. C. Roberts assisted Electrician R. McGee in applying a gear drive to Pullman Car Yorktowne on August 1, 1956.

2. That accordingly the carrier be ordered to compensate Electrician J. Funk in the amount of 2:40 hours at the time and one-half rate.

EMPLOYEES' STATEMENT OF FACTS: On August 1, 1956, Assistant Foreman H. C. Roberts, Cincinnati District, assigned Electricians J. Landers and R. McGee to apply a gear drive to Pullman car Yorktowne. Before this assignment was completed Assistant Foreman Roberts sent Electrician Landers on another assignment and Assistant Foreman Roberts helped Electrician McGee complete the applying of the gear drive to Pullman car Yorktowne.

Under date of August 8, 1956, a claim was submitted to Foreman Lankheit charging violation of Rules 2 and 5 (b); a copy of this claim is submitted herewith and identified as Exhibit A.

Under date of September 6, 1956, Foreman Lankheit denied this claim; a copy of this denial is submitted herewith and identified as Exhibit B.

Under date of September 21, 1956, we appealed this decision; a copy of this appeal is submitted herewith and identified as Exhibit C.

Under date of October 29, 1956, Mr. Dodds denied our appeal; a copy of this denial is submitted herewith and identified as Exhibit D.

The claim in behalf of Electrician Funk is without merit 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 recorded here show that an assistant foreman aided Electrician McGee by holding a torque arm while bolts were placed in a plate attached to it. The work of repairing the gear drive was assigned to McGee and Landers with instructions to Landers that when the wheels were ready to be placed, or when McGee could handle the job without assistance, Landers could leave.

During the progress of the claim the employer stated that the work after the wheel is placed can easily be done by one electrician. The employes dispute that assertion and state that two men are necessary. It is clear from the facts shown that the actual work consisted of using a pinch bar to steady the plate against the sill.

From the evidence offered we are of the opinion that the finishing of such a job could best be done by using two men. This conclusion is borne out by the fact that the assistant foreman did give a slight assist. However, we also believe that if the assist was not ready at hand that one man could do the work in a somewhat longer time and with some difficulty. We do not agree with the argumentative conclusion of the employes that the management planned to have Landers gone, intending to use the assistant foreman in his place. We finally believe it was not necessary for the assistant foreman to recall Landers when the slight courtesy assist he gave could have been withheld.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 9th day of June, 1958.