

Award No. 4418

Docket No. 4263

2-ACL-EW-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Joseph M. McDonald when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 60, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. — C. I. O. (Electrical Workers)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That the Atlantic Coast Line Railroad Company violated the current agreement on February 20, 1961, when it assigned work covered by the controlling agreement to radio maintainer at Augusta, Georgia.

That accordingly the Atlantic Coast Line Railroad Company be ordered to additionally compensate electrician T. M. Padgett, hereinafter referred to as claimant, four (4) hours at his respective rate of pay, which amount he would have received had he been called and allowed to perform the work involved in this dispute.

EMPLOYES' STATEMENT OF FACTS: The Atlantic Coast Line Railroad Company, hereinafter referred to as the carrier, regularly employs shop craft electrical workers that were assigned the initial installation, the removal and/or renewal of all radio equipment and wiring pertaining to the operation of radios on diesel locomotives and cabooses. If at any time prior to the date of February 20, 1961, anyone other than the electricians did any of the above mentioned work, other than remove and install the radio set itself, it was done at such time and place so that they would not know.

This dispute has been handled with all carrier officials designated to handle such disputes up to and including the highest designated officer of the carrier, including a conference with the carrier, all of whom have declined to make a satisfactory adjustment.

The agreement effective July 1, 1938, with revisions and supplements, between the former Charleston & Western Carolina Railway Company, now the Atlantic Coast Line Railroad Company, and System Federation No. 60, Railway Employees' Department, AFL-CIO, is controlling.

POSITION OF EMPLOYES: It is the position of the employees that the

If the converter becomes defective all that is necessary in order to remove it from the locomotive is to pull down the two levers holding it in place and then slide it out of the base supporting it. This base is permanently attached to the locomotive.

For the above reasons, carrier feels the claim is without merit and should be declined.

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.

Parties to said dispute were given due notice of hearing thereon.

The facts and circumstances herein are identical to those in Award No. 4417 except that the Claimant is different, and the work was performed on February 20, 1961.

What we said in Award No. 4417 is equally applicable and controlling here.

AWARD

Claim 1: Overruled.

Claim 2: Denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 18th day of February, 1964.