

Award No. 4637
Docket No. 4336
2-L&N-EW-'65

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Dudley E. Whiting when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 91, RAILWAY EMPLOYEES'
Department, A. F. of L.-C. I. O. (Electrical Workers)

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement the Carrier improperly assigned other than regularly employed crane operators to operate electric cranes as provided under electricians Special Rule 132-C-Classification of Work, on cranes of less than 40 tons capacity in the South Louisville Shop, Louisville, Kentucky.

2. That accordingly the Carrier be ordered to:—

A. Discontinue the use of other than regularly assigned electric crane operators to perform such work.

B. Compensate the following crane operators, whose names appear on the South Louisville Shop Crane Operators Roster, each in his proper turn at eight (8) hours per day, per crane, per shift at the crane operators pro-rata rate for all time lost subsequent to and including August 7, 1960:—

- | | |
|----------------------|-----------------------|
| 1. Estill Compton | 5. Joseph M. Humphrey |
| 2. Theophilus Helton | 6. Marvin Warren |
| 3. Roy T. Carrier | 7. Hubert W. House |
| 4. Louis F. Hoss | 8. Harry Gregory |

EMPLOYEES' STATEMENT OF FACTS: At the South Louisville Shops at Louisville, Kentucky, the Louisville and Nashville Railroad Company, hereinafter referred to as the carrier, installed pendant controls on overhead electric cranes No. 4 located in machine shop and No. 5 located in boiler shop. No. 4 has a double girder bridge with a 48' span and a 20 ton capacity. No. 5 has a double girder bridge with a 48' span and 3 ton capacity. These cranes are now being operated from the floor, by means of a flexible cable which is

the floor would require the services of a regularly assigned operator. But employees are now asking this board to make work and to maintain an unneeded position, although more than 30 such cranes were in operation long before the complaint was filed in 1960.

Carrier submits that it is charged with the responsibility of operating in an economical and efficient manner and would have been derelict in its duty had it not pursued the course it did. Many Awards of this Division, as well as others of this board, support carrier's action. Award 1358 of this Division denied a similar claim. Other supporting awards of this Division are Nos. 1480, 3524, 3711; 1493 of the Fourth Division; also see 1418 and 9318 of the Third Division. The decision in No. 1480, Referee Edward F. Carter, held:

"Progress in the form of labor saving devices have always brought about disturbances in the application of collective agreements. It is not the rule that a member of a craft whose work has disappeared with the introduction of new equipment, is entitled to continue in his position even if only to watch the equipment operate. Telegraphers' positions have disappeared with the advent of teletypes, telephones, and similar improvements. Block operators have lost work and positions by the introduction of the centralized traffic control systems. Crossing watchmen and flagmen have suffered because of the automatic crossing signal. The positions of members of the crafts whose work is gone have been properly abolished, even though members of other crafts must maintain and repair them to keep them operating. Progress takes its toll from many crafts but such fact is not a bar to the abolishment of unneeded positions resulting therefrom."

Carrier submits that the installation of pendant controls on these cranes was another step in the progress of this railroad. The efficiency derived from such installation was another step in placing and keeping this company on a sound basis. Furthermore, that the operation of these cranes by other than regularly assigned crane operators did not in any way violate the intent and spirit of the agreement between this carrier and the Brotherhood of Electrical Workers.

In consideration of the foregoing, carrier respectfully requests that the claim be denied as without merit.

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 employees 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 Carrier asserts, and the employees do not deny, that floor operated traveling overhead cranes, such as are involved in this dispute, have been in operation since 1906 without assignment of an electrical crane operator.

In our Award No. 3543, relied on by the employees, we said:

"All this would indicate that the very indefinite rule provision as applied on the property included traveling cranes, whether cab controlled or floor controlled. * * * ."

Here the application of the same principle leads to an opposite conclusion, to-wit, that rule 132(c) has never been applied to floor controlled traveling cranes on this property, and this rule is equally or more indefinite or ambiguous as the rule in that case, so the claim cannot be sustained.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: William B. Jones
Chairman

E. J. McDermott
Vice Chairman

Dated at Chicago, Illinois, this 19th day of February, 1965.