

Award No. 4638
Docket No. 4576
2-SOU-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. 21, RAILWAY EMPLOYES'
Department, A. F. of L.-C. I. O. (Electrical Workers)

SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: That the Southern Railway Company violated the provisions of the current agreement when they used supervisory personnel to install, test, maintain and dismantle a public address system used on a special train, identified as "The Schweizer Fast Flyer", on August 11 and 12, 1962.

That Telephone Maintainers J. R. Vaught and J. T. Burgess each be compensated for four (4) hours at half-time rate of pay for Saturday, August 11, 1962, and for eight (8) hours at the time and one-half rate of pay for Sunday, August 12, 1962.

EMPLOYES' STATEMENT OF FACTS: Each year for the past several years, the Southern Railway Company hereinafter referred to as the carrier, has operated a special train in connection with the annual Swiss-Festival at Tell City, Indiana.

Prior to the instant claim, the carrier has always assigned telephone maintainers, employed in the communications department of the carrier, to install, test, maintain and dismantle the public address system used on this special train.

In the instant case the telephone maintainers prepared the equipment needed, tested it, dismantled same and stored it in a box car prior to the date it was to be installed on the gondola cars for the special train.

On Saturday, August 11, 1962, Mr. C. A. Crouch, general supervisor communications, and Mr. R. E. Ochs, supervisor communications, removed the amplifying equipment, microphone and power equipment from its storage place and proceeded to install the equipment on gondola cars, after which they tested same. This took place during the period of 1:30 P. M. to 5:30 P. M.

On Sunday, August 12, 1962, these same two supervisors were used to operate and maintain the public address system, while the special trains were

When tour cars were first operated the loud-speaker systm had to be installed on all cars. Later permanent wiring was installed on the cars thus obviating the necessity for installation of a speaker system each time the cars are used. With permanent wiring only plug in connections are made. A mechanic is not needed or required to perform this function. It may be performed by anyone.

On the few occasions on which telephone maintainers were utilized they were simply afforded the privilege of performing additional work for which in some cases they received additional compensation. They were not used however because they had a contract right to do the work.

On Saturday, August 11, and Sunday, August 12, 1962, the services of the two claimants were not needed, nor were they required under any rule in the agreement in evidence. The monetary demands are therefore without basis and are unsupported by the agreement. Only a denial award can be made, for an award of any other type would be contrary to the specific terms of the agreement in evidence.

Carrier not having seen the electrical workers' submission reserves the right after doing so to make response thereto and present any other evidence necessary for the protection of its interests.

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 evidence does not support the claim that supervisory personnel were used "to install, test, maintain and dismantle a public address system". The system was previously constructed and the tour cars wired so that the speakers, amplifier, microphone and battery could be plugged into outlets or removed from the cars so they would not be exposed to the elements or subject to easy theft. Those portable components were taken from the storage box car and plugged in so the system would function and removed after serving their purpose. The testing consisted simply of speaking into the microphone to see that the system was operating.

Those tasks do not constitute the erection, installation or maintenance of communication facilities. While some of the tasks performed may seem like odd chores for supervisors, they are not reserved to telephone maintainers by the agreement.

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.