

Award No. 5635

Docket No. 5537

2-CB&Q-EW-'69

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee A. Langley Coffey when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 95, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Electrical Workers)**

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That in violation of the current agreement, Carrier Supervisory Personnel performed electrical work while directing the repair of the Gantry Crane at Clyde, Illinois on September 3, 1966.

2. That, accordingly, the Carrier be ordered to compensate Electricians E. Popula, F. Martinez and O. Mertz each for eight (8) hours at time and one-half rate for September 3, 1966.

EMPLOYEES' STATEMENT OF FACTS: Electricians E. Popula, F. Martinez and O. Mertz, hereinafter referred to as the Claimants, are regularly employed by the Chicago, Burlington and Quincy Railroad Company, hereinafter referred to as the Carrier, at its Diesel Shop at Clyde, Illinois. The Claimants work a regular eight hour shift and forty hour week with two rest days per week.

On September 3, 1966, the Gantry Crane at Clyde, Illinois was out of service for approximately eight hours during which time electrical repairs were made to the machine. Electricians R. Farnsworth, J. Moro and L. R. Jones were assigned to the electrical repair work, working under the supervision of General Foreman Propp, Assistant Master Mechanic Martin, and Electrician Engineer Blitz. The work was performed during the regular day shift of 8:00 A. M. to 4:00 P. M. and occurred on the regular assigned shift of Electrician R. Farnsworth. Electrician J. Moro who regularly works on the 12:00 Midnight to 8:00 A. M. shift was held over another shift to work on the Gantry Crane. Electrician L. R. Jones, who regularly works on the 4:00 P. M. to 12:00 Midnight shift, was called to perform work on the Gantry Crane on the day in question.

At various times during the day while the Gantry Crane was being repaired, part of the work was performed by Supervisory Personnel. General Foreman R. V. Propp, Assistant Master Mechanic F. Martin, and Electrician Engineer H. Blitz performed such electrical work as splicing wires, making

By way of summary, the Carrier restates its position as follows:

1. That an expensive, newly acquired, somewhat complicated piece of machinery, used in daily freight operations of the Carrier became inoperative. That no electricians presently employed by the Carrier were familiar with the type of repair required.
2. That Company officers supervised and helped electricians who were on this job toward the completion of the repair. That no provision of the existing agreement prevents them from performing electrical work within the scope of their responsibilities.
3. That the Carrier Supervisory Personnel did not displace electricians from their work. That in fact, two electricians assigned this job worked overtime on it. That in fact, the Claimants E. Popula, F. Martinez, and O. Mertz received full employment the week in question and suffered no damage. That one Claimant E. Popula even received 8 hours overtime on September 3, 1966 for work performed on another job.

For the reasons outlined above, this claim must be denied.

(Exhibits not reproduced.)

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 dispute between the parties is over the classification and performance of work which the Employes contend and Carrier denies is assigned by rules of agreement to electrical workers to the exclusion of Carrier's supervisory personnel.

The facts of record, rules of agreement, and positions of the parties are fully set forth in written submissions.

The essential facts are, in brief, that three classified electricians, with long service records as journeymen, were assigned on the 8:00 A. M. to 4:00 P. M. shift, September 3, 1966, under the direct supervision of a General Foreman, to make critical electrical repairs to a Gantry Crane at Clyde, Illinois, under pressure that the crane was in daily demand for loading and unloading piggyback trailers to and from freight cars.

The General Foreman enlisted the help of Carrier's Assistant Master Mechanic and its Electrical Engineer in Chicago, who determined the length, size and type of wire needed by referring to records at hand, and ordered the wire be sent out to the work location from the Aurora store.

At about 11:00 A. M., the Master Mechanic, and the Electrical Engineer, joined the General Foreman, and the three electricians at the work site.

The wire arrived at about 1:00 P. M. The Foreman and the two ranking officers joined forces with the electricians in progressing the work. They helped untangle, sort and string out the wire. Additionally, they checked to see that the proper connections were made. They helped to identify the proper wire to proper terminals. They did some taping of wire. Finally, they assisted the electricians in pulling the cable off the ground and up onto the crane. The job was completed at about 6:30 P. M. the same day.

The Electrical Engineer, the Master Mechanic, and the General Foreman, all made a valuable contribution to expediting and progressing the work in dispute, but they did not, as Carrier contends, confine their efforts to acting in a supervisory manner to instruct the employes under their jurisdiction as to how the work should be properly performed.

AWARD

Claim 1. Sustained.

Claim 2. Sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January, 1969.