



Award No. 5688

Docket No. 5498

2-IC-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. 99, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.—C. I. O.
(ELECTRICAL WORKERS)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Carrier violated the current agreement at Paducah, Kentucky, on September 7, 1965, when it assigned other than Electricians to perform Electricians' work in using jumper cables and batteries to start Locomotive Crane No. X-9893.
2. That the Carrier be ordered to compensate Electrician C. A. Moores, Jr., for two (2) hours at the time and one-half rate.

EMPLOYEES' STATEMENT OF FACTS: That on Tuesday, September 7, 1965, at 7:00 A.M., Mr. Thompson, Scrap Dock Foreman, supervisor for the Illinois Central Railroad Company, hereinafter referred to as the Carrier, called the Electric Shop for an Electrician to start the Locomotive Crane No. X-9893. When Electrician C. A. Moores, hereinafter referred to as the Claimant, arrived to perform the electrical work, at about 7:15 A.M., he found that Mr. Thompson had assigned the Electricians' work to another craft and that they had started the crane with booster batteries and jumper cables.

This claim has been handled with all of the officers of the Carrier designated to handle such matters, including Carrier's highest designated officer, all of whom have declined to make satisfactory adjustment.

The agreement effective April 1, 1935, as subsequently amended, is controlling.

POSITION OF EMPLOYEES: It is respectfully submitted that the pertinent part of Rule 33, of the Schedule of Rules, reading:

"None but mechanics or apprentices regularly employed as such shall do mechanics' work as per the special rules of each craft . . ."

provides that Electricians and their apprentices are the only employes who perform work coming under the Classification of Electricians Rule 117, pertinent part reading:

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.

The Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The job rights of the Claimant, as per Rule 33 and Classification of Electricians Rule 117, were not infringed on when he was called, while on duty and under pay, to start a crane. When he arrived, fifteen (15) minutes after call, he found that the crane operator had been able to start his own crane, in the meantime, by using jumper cables between two ordinary storage batteries.

A W A R D

Claim (1) dismissed without precedent or prejudice;

Claim (2) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois this 30th day of April, 1969.