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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6451
Docket No. 6306
2-B&O-EW-'73

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman when award was rendered.

Parties to Dispute: (System Federation No. 30, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(The Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement, the Baltimore and Ohio Railroad Company improperly assigned and used Electrician William Degenhardt to perform electric crane operator's work at the Glenwood Locomotive Shops, Pittsburgh, Pennsylvania on the dates of December 28, 29, 30 and 31, 1970.
2. That accordingly, the Baltimore and Ohio Railroad Company be ordered to compensate, Claimant Operator C. W. Wertman, senior furloughed crane operator during this period, eight (8) hours pay each for December 29, 29, 30 and 31, 1970.

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 waived right of appearance at hearing thereon.

Carrier's locomotive repair shop at Pittsburgh, Pennsylvania, was shut down and cranemen, among others, were furloughed from close of business on December 24, until January 4. This period was used to perform routine repair and maintenance work for which mechanics of various crafts were kept on the job. Some of the work was to replace broken window panes. The tank shop crane in the area was utilized by moving it into position for Maintenance of Way employes to use the bridge of the crane as a scaffold. An electrician who was present to do electrical work, was assigned to move the crane from time to time as the work progressed.

The Organization claims, in effect, that the movement of the electric crane is exclusively the work of the assigned craneman and that he should have

been called in to move it. Both the electricians and cranemen are members of the same Organization.

The record has become involved with claims and counterclaims about the work of the crafts and the rules and agreements pertaining to such crafts. We do not believe that discussion or interpretation of the rules and agreements as applied to this claim is required.

The employees involved were performing work within their scope. Petitioner has not proven that all or any movement of an electric crane must be confined to a craneman. The crane was not being used for its customary and assigned purpose but was being used only as a substitute for a scaffold. Fourth Division Award No. 2620 and Second Division Award No. 6266, illustrate cases where equipment may be operated in isolated cases by other than the assigned operators so long as the equipment is not being operated to perform the work for which it is normally used and intended. In addition, the crane was not being moved continuously but only at intervals, consuming at most, as claimed by Petitioner, four hours a day.

In the absence of proof that cranemen have exclusive right to this work under these circumstances, we find that it was permissible for the electrician to perform the disputed work.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February, 1973.