

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 7, Railway Employees'
(Department, A. F. of L. - C. I.O.
((Electrical Workers)
(Burlington Northern Inc.

Dispute: Claim of Employees:

1. That in violation of the current working agreement, Electrician Wiremen B. G. Gilbert, G. W. Olson and M. W. Drahos of Pasco, Washington were deprived of their work when Carrier sent men from another craft to perform their work.
2. That accordingly the Burlington Northern Inc. be ordered to compensate Mr. Gilbert, Mr. Olson and Mr. Drahos for the six (6) hours pay at pro rata rates for date of October 18, 1975, compensation to be divided equally among them.

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.

Claim is made on behalf of Electricians for electrical craft work allegedly performed by a Bridge and Building foreman and one of his Maintenance of Way employes. The claim is a narrow one based solely on the facts as can be determined from what was set forth by the Organization on the property. Called to a flooded basement some 55 miles away, the foreman and his employe freed the float of one water sump pump to restore it to operation. The other pump was found to be inoperable and was unplugged, taken away and later repaired by Electricians. The sole issue appears to be whether the foreman and his employe simply removed the second pump or "tried to repair" the electrical switch, as alleged by the Claimants. In either event, repair was not accomplished but was, to the contrary, performed later by Electricians.

The Electricians, if they had been sent instead of others, might have put both pumps in operating order at the time. But this is simply hindsight. It does not mean that the Carrier in this instance violated a rule by its actions.


A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By



Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 24th day of January, 1978.