

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

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rules 25 (a), (b) and (c), 26 (a), 106 and 107 (a) of the June 1, 1960 controlling agreement; Rule 100 of the Uniform Code of Safety Rules, effective January 1, 1971, at Kansas City, Missouri on December 29, 1976 when rather than assign the electrician on duty to locate the electrical trouble and make repairs, Car Foreman Henness assigned Carman Art Savage to locate and make electrical repairs to the stand-by electrical service for Carrier's wrecker at the wrecker track, i.e., Carman Art Savage located the trouble and made repairs by replacing a blown 30 amp line fuse.
2. That, accordingly, Carrier be ordered to compensate Electrician Bourland two hours and forty minutes (2'40") at time and one-half for December 29, 1976.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 maintains a wrecking outfit at its Kansas City facility. Included in this set of equipment is a kitchen and bunk car. This car, when in the yard, is connected to a stand-by electrical service to prevent drain on the batteries normally used when the car is in service.

On December 29, 1976, at the direction of supervision, Carman Art Savage changed a 30 amp fuse in-line with the stand-by electrical equipment requiring power in the kitchen and bunk car (refrigerator, etc.) failed to operate when the stand-by service was connected to the car.

Claimant in this case is an electrician asking two hours and forty minutes

(or minimum call) pay on the grounds that the fuse changed effected by Carman Savage was work which properly belonged, and should have been assigned to, an electrician. Claimant's Organization, the Electrical Workers, stress that the fuse changed was of the cylindrical or rod (not screw) type for the changing of which electricians are issued a specific device known (not surprisingly) as a "fuse puller". The Organization also argues at length that having such a fuse changed by an employee not properly trained and equipped (i.e., someone not an electrician) is in direct contradiction to the rules, regulations, and frequent exhortations of Carrier regarding safety when working with and around electrical power.

We have read and given careful consideration to the numerous prior decisions tendered to us by the parties on this and similar issues. Many of these cases, of course, affirm the familiar principle that the performance of a relatively simple task, consuming but a few moments for completion, and requiring no particular skill in a trade or craft, is to be considered de minimis and incidental in nature and not normally an infringement on typical classification of work rules.

Is the principle applicable to this case? We believe that it is.

The most relevant of the rules cited to us, Electrical Workers Classification of Work Rule 107(a), does not mention fuse changing as such, or specifically reserve that function exclusively to the electricians. Moreover, the petitioning Organization has not, on this record before us, demonstrated that, by custom, practice, or tradition, the simple changing of a fuse is work that has been performed exclusively in the past by members of the Organization.

We are mindful of the safety considerations urged on us by the petitioning Organization, and we are not in this opinion declaring that fuse changing in general should not be considered electrician's work. Here, though, where there is no reason to believe that serious malfunction in electrical equipment was the cause of the fuse blowing, work done by the carman must be considered incidental and de minimis. To hold otherwise, we believe, would seriously and unduly hamper the efficiency of the operations of the Carrier, without providing any meaningful or necessary protections to the highly significant and legitimate duties which are, and will remain, the exclusive province of the electrician's craft.

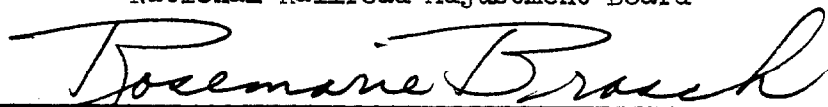
A W A R D

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 11th day of June, 1980.