

The Second Division consisted of the regular members and in addition Referee Raymond E. McAlpin when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
(Northeast Illinois Regional Commuter Railroad Corporation

Dispute: Claim of Employees:

1. That the Northeast Illinois Railroad Corporation violated the current agreement, particularly Rule 71 and Rule 53, on July 23, 1984, when it improperly assigned Yardmaster Pete Barley, Switchman Villa Johnson and Switchman Henry Gargaino to perform Electricians' work on train #2225.

2. That the Northeast Illinois Railroad Corporation be ordered to compensate the Claimant T. Baker, for five (5) hours pay in accordance with Rule 9 (minimum call).

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 employees involved in this dispute are respectively carrier and employees 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.

As third party in interest, the United Transportation Union was advised of the pendency of this case, but chose not to file a Submission with the Division.

On July 23, 1984, Carrier employees, Yardmaster Barley, and Switchmen, Gargaino and Johnson, removed the standby power cables and flashing yellow light from Train 2225, which was located at Union Station at the time.

The Organization claimed that this was an improper assignment per Rule 71, which states in pertinent part:

"Electricians' work shall include electrical wiring, maintaining, repairing, rebuilding, inspecting and installing of all generators, switchboards, meters, motors and controls, rheostats and controls, . . . inside and outside wiring at shops, buildings, yards, and on structures and all conduit work in connection therewith . . . and all other work properly recognized as Electricians' work."

and also a violation of Rule 53, which states as follows:

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

The Organization noted that, if the Carrier contends a past practice, it must substantiate such past practice and cited Awards which purport to establish this principle.

The Carrier argued the work was really of a simple nature. In any event, the Rules do not specifically describe the work that is claimed by the Organization. It is the Carrier's contention that the work was not contemplated in Rule 71 and cited awards to that end. The Carrier also noted that, as a longstanding practice of other crafts performing this work, the Organization has not been able to show a Rule or systemwide practice of exclusivity in order to claim this work.

The Board upon complete review of the evidence finds that the Organization has not met its burden in showing either exclusivity by Rule or by practice on this system. There are Awards on this property denying the right of Electricians to remove standby cables under all circumstances, and as is stated in Award 11048:

". . . at most, the Organization has shown that the work, performed by the Carmen on the dates in question, was the act of handling of electrical equipment."

The act of handling electrical equipment does not violate the Rule cited by the Organization, and, in fact, the work is not exclusive to the Electricians' classification, and, therefore, the Claim will be denied.

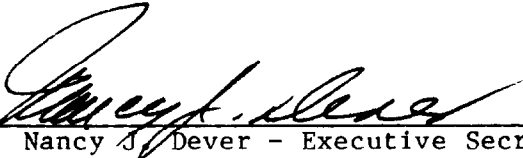
Form 1
Page 3

Award No. 11234
Docket No. 11145-T
2-NIRCRC-EW-'87

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 1st day of April 1987.