

Award No. 416

Docket No. 415

2-ACL-BM-'39

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: Request that boilermaker helpers performing boilermakers' work be discontinued and boilermakers be assigned to perform the work to operate jam riveter.

EMPLOYES' STATEMENT OF FACTS: Helpers assigned to assist boilermakers at Rocky Mount shop, Rocky Mount, N. C., are performing the work of a boilermaker, at the request of the supervisor in charge.

POSITION OF EMPLOYES: The management has violated Rule 27 (a) and Boilermakers' Special Rule 202, of the agreement between the Atlantic Coast Line Railroad Company and the International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America, by requiring boilermaker helpers, assigned to assist boilermakers, to operate jam riveter to drive rivets. The rule plainly states that operating jam riveter and riveting is boilermakers' work.

Rule 27 (a) states:

"Only mechanics and apprentices regularly employed as such will do the work as per special rules, except as otherwise provided for in this rule."

Boilermakers' Special Rule 202 states in part:

"* * * operating punches and shears for shaping and forming in connection with boilermakers' work; pneumatic staybolt breakers, air rams and hammers; bull, jam and yoke riveters; boilermakers work in connection with building and repairing of steam shovels, derricks, booms, housing, circles, * * * drilling, cutting and tapping and operating rolls in connection with boilermakers' work; oxy-acetylene, thermit and electric welding as provided in Rule 17, and all other work generally recognized as boilermakers' work." (Emphasis ours.)

We wish to call the Honorable Board's attention to Exhibits A and B wherein we called the management's attention to this practice of violation of agreement, also Exhibits C and D wherein we could not get the management to discontinue this violation.

We have requested conference dates for the purpose of settling all pending cases that have been discussed but not settled satisfactorily, which Exhibits E, F, G, and H will substantiate.

ons, which has been for a long number of years, to our personal knowledge since 1920 and 1921, that holder-ons have been used by boilermaker helpers while helping boilermakers.

Exhibit A is picture of jam and yoke riveter that is in service at Emerson shops and is used by boilermakers.

Exhibit B is picture of several holder-ons used by boilermaker helpers while helping boilermakers in applying rivets where convenient to use this tool and where it is not practical to use a holder-on, a dolly bar is used and is according to the language of Rule 204. Rule 204 states, among other things, "* * * holding on staybolts, rivets, * * *." A holder-on is never used nor could it be used for anything other than holding a rivet to a sheet while being driven by someone on the opposite end of the rivet. We cannot under any circumstances see according to the rules quoted above where the use of holder-on is boilermakers' work.

Exhibit C is copies of orders on the Chicago Pneumatic Tool Company for repair parts for holder-on.

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.

The parties to said dispute were given due notice of hearing thereon.

The use of jam riveters as a holding-on tool or machine is helpers' work in accordance with Rule 204 of the current agreement.

AWARD

Claim disposed of in accordance with the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 21st day of December, 1939.