

Award No. 426

Docket No. 443

2-T&P-BM-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 121, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

THE TEXAS AND PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That boilermaker helpers be restored to steam-up jobs and Boilermaker Helpers A. S. Lucas, C. R. Dunagan and C. A. Nichols, Big Springs, should be compensated for all time caused to lose by reason of being furloughed and laborers assigned to jobs formerly held by A. S. Lucas, C. R. Dunagan and C. A. Nichols.

EMPLOYEES' STATEMENT OF FACTS: Boilermaker helpers at Fort Worth and Big Springs have been assigned to blowing down and filling up (including an operation known as steaming-up) boilers since system was installed, or approximately eight years. Boilermaker helpers who are classed as boilerwashers also blow down and fill up boilers at other points where steam-up system is not used.

On March 31, 1938, Boilermaker Helpers A. S. Lucas, C. R. Dunagan, and C. A. Nichols who were assigned to steam-up jobs in Big Springs were furloughed, and Laborers A. R. Martinez, R. F. Sanchez and A. M. Everett were assigned to steam-up jobs to perform the same duties as were performed by the above named helpers.

Rule 47, paragraph (a) of the agreement between the System Federation No. 121 and The Texas and Pacific Railway Company, entered into on April 1, 1937, reads in part as follows:

"Employees assigned to help boilermakers and their apprentices; washing boilers; . . . building and repairing brick work in locomotive furnaces, . . ."

Article 1 of the agreement between The National Federation of Railway Workers and The Texas and Pacific Railway Company reads as follows:

"These rules shall govern the hours of service, and working conditions of all laborers employed in and around shops, roundhouse and reclamation plant, such as engine watchmen and wipers, fire builders, sand dryers, supplymen, arch builder helpers, boiler washer helpers, inside hostler helpers, etc., and common laborers in the departments mentioned."

Laborers are now, and have been heretofore assigned to building fires and watching engines at all points on the system.

We submit that Rule 47 only provides "washing boilers," which service is now, as previously stated, performed by boilermaker helpers.

We find that the question involved in this case was submitted to your Board by the organization on the Rock Island Railway, ex parte, hearing was held, after which the organization's representatives withdrew case from the Board. This is covered by Award 173.

"Dispute: Claim of Employees: That the blowing down and filling up (including an operation commonly known as pumping) of boilers is part of the operation of washing a boiler and is properly classified as boilermaker helpers' work as per Rule 73, and should be so assigned.

Statement: The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to organization in ex parte form, a hearing thereon was held, and the Division is now in receipt of request from the employees that the case be withdrawn.

AWARD

Case dismissed."

FINDING: 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.

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

The issue in this dispute is principally the line of demarcation of work between boilermaker helpers and that of laborers or fire-up men.

The record is vague as to the duties actually performed and contested in this dispute; settlement and practice should be made in accordance with and governed by this award:

AWARD

Blowing down, filling up and changing water in boilers in connection with boiler washing or repairing is boilermaker helpers' work.

The injecting of water and steam into boilers for the purpose of steaming or firing up may be performed by other than boilermaker helpers.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 22nd day of January, 1940.