

Award No. 651

Docket No. 650

2-C&NW-FO-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 12, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (FIREMEN & OILERS)**

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That the carrier violated its agreement with the International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers when it displaced Stationary Firemen Leo Powell, Theo. Powell and Thomas Kockess on October 12, 1939, by employees of the maintenance of way department, and that the said employees be restored to their positions as stationary firemen at Missouri Valley to handle the work of firing stationary boilers now used for supplying steam for heat, air, pumps, oil house and other purposes.

EMPLOYEES' STATEMENT OF FACTS: The power plant at Missouri Valley has for many years been operated by stationary firemen. This plant has furnished steam for the roundhouse, the deep well pump, oil house, storeroom and washroom.

On October 12, 1939, Leo Powell, Theo. Powell and Thomas Kockess, the three stationary firemen, were displaced by three men from the water service department. This change was made by bulletin. When the change was made, steam was no longer furnished to the roundhouse, but the power plant continued to furnish steam for the deep well pump, oil house, storeroom and washroom. On or about November 24, 1939, a boiler was installed in the pump house, replacing the boiler in the power plant, and has since furnished steam for the facilities herein mentioned; and some employees who displaced the stationary firemen continue to operate this boiler.

POSITION OF EMPLOYEES: The employees contend that the railroad company had no right to displace the stationary firemen in the circumstances. The boiler now used furnishes steam to the same facilities as did the old power plant, with the exception of the roundhouse. It cannot be said that this is pumping operation only, as the steam generated is not used exclusively for that purpose, but furnishes heat to several buildings for the greater part of the year. Moreover, there was no question raised about this being pumpers' work during the twenty-five or more years that steam was furnished for the deep well pump from the power plant. The employees feel that a question of jurisdiction is being raised falsely, as the company has recognized the above work as coming under the jurisdiction of the Firemen and Oilers since the inception of the agreement and without complaint. We can only suggest the reason for this change is to cut the rate of pay on this job, as we understand the employees now on these jobs receive less than 63¢ per hour, which was the rate paid stationary firemen.

CARRIER'S STATEMENT OF FACTS: As a result of a study made of the requirements at Missouri Valley, Iowa, in August, 1939, it was decided

Rules for Reporting Information on Railroad Employes as to classification, etc., issued by the United States Railroad Labor Board and approved by the Interstate Commerce Commission, classifies positions of pumpers as follows:

"The above class includes positions in which the preponderant duties of incumbents are to operate pumping stations in connection with the water supply of railroads; to operate steam boilers and engines or gasoline engines at such stations; and to perform related work."

The present arrangement in respect to assignment of pumpers to operate the pumping station at Missouri Valley, Iowa, which is the same as is now in effect at many other points on this railway, is not in conflict with the provisions of any schedule rules or agreements with the firemen and oilers' organization.

It is the position of the railway company that there is no justification for the employes' request that stationary firemen positions be established to take care of firing boilers used in connection with pumping water at Missouri Valley and that such request cannot consistently be sustained under provisions of schedule rules applicable.

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.

Prior to October 12, 1939, a stationary boiler plant was in operation at Missouri Valley furnishing steam for all enginehouse and shop purposes, and incidental steam for pumping water, which was operated by stationary firemen.

Subsequent to October 12, 1939, stationary boiler plant was discontinued. Evidence of record does not disclose any schedule violation.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 7th day of November, 1941.