

Award No. 755

Docket No. 675

2-GCL-BM-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee R. F. Mitchell when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 14, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

MISSOURI PACIFIC LINES (GULF COAST LINES)

DISPUTE: CLAIM OF EMPLOYES: That Boilermaker H. P. Huckaba, employed at Harlingen, Texas, be compensated in the amount equal to 14 days' pay at mechanic rate, 86¢ per hour, account of being placed on five day work assignment and night roundhouse foreman performing duties ordinarily performed by the boilermaker.

EMPLOYEES' STATEMENT OF FACTS: Up to and including June 30, 1940, Mr. H. P. Huckaba was assigned on regular seven day running repair boilermaker, inspector and welder on the day shift in the roundhouse at Harlingen, Texas. At the close of work 4:00 P. M., June 30, the boilermaker position was discontinued at Harlingen, and the duties of night roundhouse foreman were extended to include duties usually performed by the boilermaker. This arrangement remained in effect until August 30, 1940, at which time the boilermaker position was re-established on the night shift on five day week basis. Harlingen being an inspection and repair point, all employes of crafts except the boilermakers on seven day assignment, the duties usually performed by the boilermaker were performed by the night roundhouse foreman. This arrangement remained in effect until October 13, 1940, at which time the boilermaker was re-established on a seven day assignment.

POSITION OF EMPLOYES: As set out in the first part of this submission, Harlingen is an inspection and division point for all locomotives operated at outside points in the Rio Grande Valley, in which the Gulf Coast Lines Railroad operates.

The duties of all employes at Harlingen are the same on Saturdays and Sundays, as any other days of the week, being running repairs and inspection work.

On August 30, 1940, when Boilermaker Huckaba was restored to service, he was placed on five day week assignment, and the foreman was assigned to perform the boilermakers' duties on the sixth and seventh days.

It is the position of the employes, that when the boilermaker was assigned to five days per week, and the foreman assigned to perform the duties of a boilermaker the sixth and seventh days, the management has violated the provisions of Rule 62, Classification of Work, as set forth in the first part of this submission.

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 carrier under the agreement had no right to have the duties of boilermaker performed on Saturday and Sunday nights by the night roundhouse foreman. However, there is a dispute in the facts in regard to whether or not the night roundhouse foreman did perform any of the boiler-maker work on Saturday and Sunday nights set out in the claim and it is necessary to remand this case to the parties to ascertain the facts. Huckaba is entitled to be compensated if the record shows that the night roundhouse foreman performed boilermaker work on any of the Saturday or Sunday nights during the period for which the claim is filed.

AWARD

Claim remanded in accordance with the findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 20th day of April, 1942.