

Award No. 1033
Docket No. 952
2-SP(Tex&La)-BM-'44

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Herbert B. Rudolph when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 162, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

**SOUTHERN PACIFIC LINES IN TEXAS AND LOUISIANA
(TEXAS AND NEW ORLEANS RAILROAD COMPANY)**

DISPUTE: CLAIM: OF EMPLOYES: 1. That under the controlling agreement and Rule 65 thereof, all work pertaining and incident to washing boilers is boilermaker helpers' work and not the work of shop laborers.

2. That in consideration of the aforesaid the carrier be ordered to—

- (a) Classify as boilermaker helpers such shop laborers as have been regularly assigned as of and continuously since March 1, 1943, to perform or to help effectuate the washing of boilers and accordingly pay them the applicable rate for all such service retroactive to March 1, 1943, with seniority status as of said date.
- (b) Cease and desist from arbitrarily using laborers to effectuate the washing of boilers.

EMPLOYEES' STATEMENT OF FACTS: At Houston, Texas, shops, the carrier classifies shop laborers as boilerwasher helpers. They are paid 50 cents per hour or 4 cents differential above the laborers' rate of pay.

These so-called boilerwasher helpers are assigned to help effectuate the washing of boilers. They are used to help loosen and tighten washout plugs. They connect up the washout hose, turn the water off and on, disconnect the hose and assist in moving the hose and tools from one job to another.

On December 13, 1943, the following laborers were used with boilerwashers to effectuate the washing of boilers—Donnie Henderson, first shift, Charlie Spear, second shift, and Willie Curtis, third shift.

It requires the joint efforts of two men to effectuate the washing of boilers.

The carrier has declined to make any adjustment whatever, on the basis that these laborers perform laborers' work and are properly paid therefor.

The controlling agreement is dated effective March 1, 1943.

POSITION OF EMPLOYEES: (A) The instant claim was initiated in March, 1943, following the effective date of revised agreement, effective

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.

It is admitted by the carrier that the so-called boiler washer helper "carries the hose, turns water off and on and assists but does not relieve the boiler washer." The employes contend that this assistance referred to by the carrier amounts to removing plugs by pulling on wrenches and bars, aiding in replacing plugs in difficult places, taking sample of water from locomotive boilers to be tested, labeling the same, and performing other work at the direction of the boiler washer. The agreement between the parties contains no such classification as a "boiler washer helper." If an employe performs or assists in performing the work of a boiler washer he is then performing the work of that classification. We think it clear from the record that these boiler washer helpers were actually engaged in assisting in the performance of at least a part of the work described in Award 501 as the work of boiler washers, and it follows that due to performing such work they should be classified and paid as boiler washers.

AWARD

- (a) Claim sustained as per above findings.
- (b) Claim sustained to the extent that laborers are performing or assisting in the performance of the work of boiler washers.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 13th day of November, 1944.