

Award No. 3861

Docket No. 3812

2-WAB-BM-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 13, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. - C. I. O (Boilermakers)**

WABASH RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1—That under the current agreement rules, other than Boilermakers were improperly assigned to fabricate brackets or frame work for aftercooler and weld same to cab of Diesel Locomotive No. 487 on February 3, 1959.

2—That, accordingly the Carrier be ordered to compensate Boilermaker Carl Davis, in the amount of four (4) hours at his respective applicable rate of pay for the aforesaid violation.

EMPLOYEES' STATEMENT OF FACTS: On February 3, 1959, the Wabash Railroad Co., hereinafter referred to as the carrier, at its Decatur, Ill. Locomotive Shop, assigned Sheet Metal Workers Bryan and Scott to fabricate brackets and framework for after-cooler system and weld same to cab of Diesel Locomotive No. 487. The material used consisted of 80" of 3/16" x 1½" flat iron and 40" of 3/16" x 1½" angle iron.

It has been an established and accepted practice on this carrier since the inception of the diesel locomotive, for the carrier to assign the above referred to work to employes of the boilermakers' craft and all said work was performed by boilermakers prior to and subsequent to February 3, 1959 as evidenced by letter dated Sept. 22, 1959 directed to Gen. Supt. Motive Power E. R. Buck by General Chairman Charles Parker and statement dated March 25, 1960 directed "To Whom it May Concern" over signature of four boilermakers employed by carrier in its Decatur Shops.

The Sheet Metal Workers' International Association does not claim the work involved in this dispute as evidenced by letter dated Sept. 4, 1959 directed to General Chairman Boilermakers, Charles Parker, by General Chairman Sheet Metal Workers Howard Harold. Copy of General Chairman Howard Harold's letter of Sept. 4, 1959 was furnished to Gen. Supt. Motive Power E. R. Buck by General Chairman Charles Parker under date of Sept. 22, 1959.

Boilermaker Carl Davis, hereinafter referred to as the claimant is regu-

The carrier affirmatively states that the substance of all matters referred to herein has been the subject of correspondence or discussion in conference between the representatives of the parties hereto and made a part of the particular question in dispute.

The contentions of the committee should be dismissed and claim denied.

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.

Parties to said dispute were given due notice of hearing thereon.

The work in question falls within Rule 65, the Scope Rule, and according to the record has always been performed by boilermakers except in this instance. Since a boilermaker welder was employed at the point, this case is not within the provision of Rule 29(a) that at points where there is not sufficient welding for a member of each craft, a welder of any craft employed there may do the welding for all crafts.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of November, 1961.