

Award No. 4593
Docket No. 4671
2-KCT-FO-'64

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 38, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. — C. I. O. (Firemen & Oilers)**

KANSAS CITY TERMINAL RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the controlling agreement, Stationary Firemen S. Mills, O. J. Collins and Robert Gilmore, were unjustly deprived of their Stationary Firemens' Seniority and Service Rights, and attendant compensation when their positions of Stationary Firemen were abolished at the close of their respective tours of duty effective April 30, 1963.

2. That accordingly, the Carrier be ordered to re-establish the positions of Stationary Firemen at the Penn St. Power Plant, Power Plant No. 1, on the 2nd and 3rd shifts and necessary relief position, and to properly establish and assign positions of Stationary Firemen at Power Plant No. 2, and;

3. That Stationary Firemen S. Mills, O. J. Collins, and Robert Gilmore be assigned accordingly and compensated for the difference between the Stationary Firemen's rate and that of the laborer's rate, effective May 1, 1963.

EMPLOYEES' STATEMENT OF FACTS: For many years the carrier maintained a large power plant, commonly referred to as the Penn St. power plant, on their property at Kansas City, Mo., furnishing steam, air and electricity to the terminal facilities.

In later years, the carrier discontinued the generation of electricity and the major operation of the power plant was confined to the generation and distribution of steam for heating and processing to the Terminal facilities.

At this power plant, the carrier maintains a force of stationary firemen on an around-the-clock, 7 days per week basis, whose duties were to fire and operate the boilers in the boiler room and all auxiliary equipment and accessories thereto such as pumps, boiler-water heaters, boiler water treatment facilities, etc., necessary to the generation of steam.

sponsibilities or work allocated to mechanical foremen. The city code on high pressure boilers requires that we must have a stationary engineer on hand. Stationary firemen are not required to have an engineer's certificate.

CONCLUSION:

1. This dispute should be dismissed since there was no conference discussion as required by the Railway Labor Act and N.R.A.B. procedural rules.

2. No rule supports petitioner's contentions and the facts as related herein show that no other craft is performing work properly allocated to stationary firemen and the claim should be 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 waived right of appearance at hearing thereon.

The record reflects that the new boilers are automatic, eliminating the duties formerly performed by stationary firemen in connection with the old manual operated coal burning boilers, except for a certain amount of work on the day shift which is performed by a stationary fireman retained to do such work.

There is no evidence or proof in the record to support the conclusion that other stationary firemen's work is being performed on these automatic boilers by others and, accordingly, under the evidence at hand, no violation of the agreement can be detected.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: William B. Jones
Chairman

E. J. McDermott
Vice Chairman

Dated at Chicago, Illinois, this 2nd day of December 1964.