

Award No. 4796

Docket No. 4717

2-DW&P-FO-'65

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Dudley E. Whiting when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 71, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Firemen & Oilers)**

DULUTH, WINNIPEG & PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement, Carrier improperly assigned Foremen to be in charge of, and responsible for the efficient and continuous operation of the Low Pressure Boiler in the Roundhouse at Virginia, Minnesota.

2. That accordingly the Carrier be ordered to stop this practice, and return all duties in connection with the efficient and continuous operation of this Low Pressure Boiler at Virginia to employees of the Firemen and Oilers Craft.

EMPLOYEES' STATEMENT OF FACTS: Prior to the fall of 1962, when two high pressure boilers in the power plant at the Virginia roundhouse of the Duluth, Winnipeg and Pacific Railway Company, hereinafter referred to as the carrier, had been in operation except during the summer months, the two high pressure coal hand fired boilers were in continuous charge of one stationary engineer and three stationary firemen, members of the firemen and oilers craft, hereinafter referred to as the claimant, being continuously on duty 24 hours per day, seven days per week, and were responsible for the safe, continuous and efficient operation of these two boilers. However, during the summer of 1962, when the high pressure plant was shut down, carrier converted one of the old high pressure boilers, a marine tubular boiler, to low pressure operation, 10 pounds per square inch, and installed an oil burner as a means of furnishing heat for this converted low pressure boiler. However, when this low pressure boiler was placed in operation October 24, 1962 carrier, instead of assigning employees of the firemen and oilers craft who hold seniority as stationary firemen, and are presently employed as laborers at the Virginia roundhouse to be in charge of, and responsible for the safe, efficient and continuous operation of the low pressure boiler, carrier made arrangements for all four foremen employed at the Virginia roundhouse to secure the proper grade of license under Minnesota state law, and assigned these foremen to all duties formerly performed by the fur-

3. Carrier has shown that there is only a very small amount of work remaining in connection with the operation and maintenance of the low pressure boiler installed in the West Virginia roundhouse that could, in any way, be compared to the duties of a stationary fireman.
4. Boilermakers have properly been assigned the work of blowing out flues, adding boiler compound and taking water samples, as provided for in Article 7 of Non-Ops Agreement of August 21, 1954; and Miami Agreement of February 13, 1958.
5. Locomotive foremen can and may be required to perform work in addition to supervisory duties, as outlined in Article 18 of the Supervisors Agreement dated November 1, 1961.
6. That laborers are not properly entitled to duties associated with the operation of the low pressure boiler installed in West Virginia roundhouse, according to laborers duties listed in Item No. 29 of Miami Agreement dated February 13, 1958.
7. That any deviation from the present assignment of duties for the operation of the low pressure boiler in the West Virginia roundhouse, whereby laborers are assigned mechanics duties in connection therewith, will undoubtedly result in a jurisdictional dispute involving the Boilermakers organization, who according to Article 7 of the Non-Ops Agreement dated August 21, 1954 are properly entitled to the few duties they are now performing in the maintenance of the low pressure boiler.

In consideration of the above facts and circumstances, this carrier respectfully requests that the claim be denied as without merit.

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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 Carrier had two high pressure hand fired coal burning steam boilers located in the roundhouse. In 1962 one boiler was removed and the other was converted to a low pressure automatic oil-fired boiler equipped with automatic controls. The four stationary firemen were furloughed and employed as laborers.

This is simply a case in which technological improvements have eliminated the jobs of stationary firemen. It appears that the effective agree-

ment rules do not justify the request to require the assignment of the few remaining tasks to laborers instead of boilermakers as they appear to be comprehended by the Boilermakers classification of work rule and the fact that some of the laborers formerly worked as stationary firemen does not alter those rules.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 4th day of November, 1965.