

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**Second Division**

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYES'**  
**DEPARTMENT, A. F. OF L. (MACHINISTS)**  
**MISSOURI PACIFIC RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYES.**—That the use of the oxyacetylene cutting torch by advanced machinist helpers at Kansas City shops is in violation of Rule 29.

**JOINT STATEMENT OF FACTS.**—At Kansas City shops advanced machinist helpers use the oxyacetylene cutting torch.

**POSITION OF EMPLOYES.**—Committee takes the stand that the use of the cutting torch is mechanics' work, as per Rule 29 of System Federation No. 2 agreement, and that nowhere in the helpers' rules are they permitted to use this tool. The management might state that only the welding torch belongs to mechanics, but I wish to emphasize that welding can be done with the cutting torch just the same as it can be done with the welding torch, cutting torch being more specifically designed for cutting work.

**POSITION OF CARRIER.**—Rule 53 gives advanced helpers the right to dismantle locomotives and machinery for repairs.

Rule 63 gives advanced helpers the right to repair front end netting, draft appliances, ashpans, and rigging.

The above rules, in performing this work, require the cutting torch. The cutting torch today is important as one of the tools used for dismantling and classed as regular equipment for dismantling and repairing, as listed in the above rules. No mention is made of the cutting torch by mechanics and helpers. When torch is mentioned, it specifies welding only, and not cutting. We at no time permit advanced helpers to use the torch for welding, puddling, or fusing; only for cutting, as mentioned above.

**FINDINGS.**—The Second Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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, and the hearing was held May 27, 1935.

There exists between the parties an agreement dated Nov. 1, 1934.

Rules 29 and 53 thereof read as follows:

*"Welders*

*"RULE 29*

"(a) In compliance with the special rules included in this agreement, none but mechanics and their apprentices in their respective crafts shall operate oxyacetylene, thermit, or electric welders. Where oxyacetylene or other welding processes are used, each craft shall perform the work which was generally recognized as work belonging to that craft prior to the introduction of such processes, except the use of the cutting torch when engaged in wrecking service or in cutting up scrap. At points where there is not sufficient welding for a member of each craft at the point employed, a welder or welders of any craft employed may do the welding for all crafts.

"(b) When performing the above work for four (4) hours or less in any one day, employes will be paid the welders' rate of pay on the hourly basis with a minimum of one (1) hour; for more than four (4) hours in any one day, welders' rate of pay will apply for that day."

*"Machinist Helpers*

"RULE 53 [IN PART]

"Helpers' work shall consist of helping machinists and apprentices, dismantling locomotives and machinery for repairs; ratchet and other skilled drilling and reaming; tool grinding, removing, replacing, grinding, bolting and breaking of all joints on steam and exhaust pipes and super-heaters; removing, repairing and applying trailer and engine trucks and parts thereof; locomotive spring and spring rigging work, driver brake and brake rigging, locomotive tender and draft rigging work; cab stands or sheets, waste sheets, running board brackets, head-light brackets, hand rails, hand rail brackets, smoke stack saddles, smoke stacks, sand boxes and dome castings; \* \* \*"

"NOTE.—A differential rate of fourteen (14) cents per hour less than minimum rate established for mechanics will be paid to helpers regularly assigned to perform work underlined in this rule."

Rule 63 being a rule governing boilermaker helpers, has no relation to this dispute.

Rule 29 does not permit advanced machinist helpers at Kansas City shops to use the oxyacetylene cutting torch.

AWARD

Claim of employes is sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: J. L. MINDLING  
*Secretary*

Dated at Chicago, Illinois, this 8th day of July, 1935.