

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 121, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)
THE TEXAS AND PACIFIC RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYES.—Should duties as performed by Boiler Inspectors A. Grunwald, R. L. Davis, A. D. Williams, Lancaster roundhouse, between January 6, 1935, and December 28, 1935, classify them as lead mechanics?

JOINT STATEMENT OF FACTS.—These boiler inspectors were required to inspect locomotive boilers, reporting defects as found and were further required to inspect work on boilers after completion, being held responsible for the proper performance of such work as reported and performed by other mechanics of their craft, also held responsible for the proper condition of locomotive boilers inspected. They were further required to keep written record of arch brick and staybolts used.

Rule 24 (Lead Workman—paragraph "a") reads:

"In small gangs a lead workman may be assigned, who in addition to performing regular work of his class will take the lead and will assign and direct the work of other members of the gang. For such service differential rate of twelve (12) cents will be paid in addition to the established rate for his class, except lead freight carmen who will receive fourteen (14) cents above the minimum of his class."

POSITION OF EMPLOYES.—That leadmen's rate was paid to boiler inspectors at Lancaster shops, Fort Worth, for years; that Grunwald, Davis, and Williams were drawing leadman's rate and so classified. They were drawing leadman's rate for a long period of time previous to 1931. About January, 1931, the last of these rates was discontinued and these men served in same capacity with no relief from duties as lead workman and continued to serve as such performing identical duties to those performed previous to the change in rate of pay.

We request compensation for all time A. Grunwald, R. L. Davis, and A. D. Williams served in the dual capacity of boiler inspectors and leadmen, which would be the differential between the two jobs, of seven (7) cents per hour, and that A. Grunwald and R. L. Davis be restored to their former positions and compensated for time lost caused by being pulled off this job at the time the leadman's rate was re-established.

POSITION OF CARRIER.—Boiler inspectors were only held responsible for such work as performed on locomotive boilers which they inspected and were not held responsible for the amount of work as performed, and were not required to perform duties of a supervisory nature; such as, the assignment of the various employes, nor were they in charge of, nor leaders of any mechanics, but only performed such work as came up in connection with an inspector's assignment, for which they were paid inspector's rate as provided for in second paragraph of Rule 50, reading:

"Boiler inspectors, flangers and fitters-up shall receive five (5) cents, and layers-out ten (10) cents per hour, above minimum rate paid boilermakers."

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.

The parties were not in full agreement as to the duties performed by Messrs. Grunwald, Davis, and Williams, but under date of December 2, 1935, mechanical superintendent addressed a letter to the president of System Federation No. 121, reading:

“* * * Boiler Inspectors will not be required to keep labor and material cost on individual engines, nor supervise engine house boilermakers and helpers, semiskilled boilermakers and helpers, brick arch builders or helpers * * *.”

Also on January 3, 1936, mechanical superintendent addressed a letter to the president of System Federation No. 121, reading in part:

“* * * Effective December 28th, we installed three lead boilermakers at Lancaster, who have taken over the work complained of, which I am sure will satisfactorily settle this case and give no further cause for complaint.”

which indicates that Messrs. Grunwald, Davis, and Williams were performing work as lead mechanics.

AWARD

Claim of employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 2nd day of July, 1936.