

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)
MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES.—For the correct application of Rule 62—boilermakers' classification of work—repairing and maintaining work on tanks.

EMPLOYEES' STATEMENT OF FACTS.—The work of repairing and maintaining tanks is being assigned to and performed by other crafts.

POSITION OF EMPLOYEES.—Rule 62 spells out the boilermakers' classification and includes "building and repairing tanks and drums." In spite of this language and agreement on the part of the representatives of the carmen and boilermakers that it is intended to and does give to the boilermakers jurisdiction over work on tanks on tank cars, the railroad company refuses to comply with the rule.

Further, at all the small points on the railroad the boilermakers do perform this work, regardless of whether the tanks are on or off the car or regardless of whether the tank is on the repair track or in the shops or roundhouse. Therefore, we claim that the rule is operative at all points alike and should be so construed by the railroad company.

CARRIER'S STATEMENT OF FACTS.—Repairs to tanks on tank cars are handled by carmen when such work is done on repair tracks, or on special tracks set aside for the purpose of placing such cars that are in need of repairs at the larger points. This is a practice of long standing prior and subsequent to wage agreement rules in effect when General Chairman Smith of the boilermakers contended that the work should be performed by boilermakers.

Wage agreement rules governing: (Agreement dated November 1, 1934)—

"**RULE 116.** Carmen's work, including regular and helper apprentices, shall consist of building, maintaining, painting, upholstering, and inspecting of all passenger and freight cars, both wood and steel, * * *."

POSITION OF CARRIER.—In August, 1935, general chairman of the boilermakers filed complaint account carmen at North Little Rock shops cutting down the domes of several tanks, welding the tops on, and converting these tanks into auxiliary water tanks, contending that this work properly belonged to the boilermakers under Rule 62 of wage agreement then in effect, reading in part as follows:

"Boilermakers' work, including regular and helper apprentices, shall consist of laying out, building or repairing boilers, tanks, and domes; * * *."

There has been no material change in our classification of work rules with our boilermakers and carmen for a number of years prior to the schedule in effect at the time this complaint arose, i. e., November 1, 1934. As a matter of information, the employes' presentation of September 26, 1934, for changes in wage schedule rules contained a request to revise the schedule rule that was in effect prior thereto, viz:

Schedule Rule in Effect Prior to November 1, 1934.

"Boilermakers' work, including regular and helper apprentices, shall consist of laying out, building or repairing boilers, tanks, and drums * * *."

Rule Proposed by Employes Sept. 26, 1934, That Was Discussed in Negotiations prior to Adopting Schedule Dated Nov. 1, 1934.

"Boilermakers' work shall consist of laying out, cutting apart, building or repairing boilers, tanks, and drums, *Tanks for Tank Cars* * * *."

Request for change in rule was withdrawn by the employees during negotiations and the schedule rule mutually agreed upon effective November 1, 1934, as well as the rule now in effect (schedule dated July 1, 1936), read identical, viz:

"Boilermakers' work, including regular and helper apprentices, shall consist of laying out, building or repairing boilers, tanks, and drums * * *."

So far as our records disclose, it has always been the practice under the rules and without complaint from the employees prior to August, 1935, for steel carmen to perform required repairs on tank cars where such work is handled on repair tracks; however, when necessary for car to be moved into the back shops for such tank work that cannot be advantageously performed on the repair track, then the work on the tank is done by the boilermakers in the back shops. It has never been the practice, so far as our records disclose, for boilermakers to handle the repairs to tanks on tank cars when the work is done on repair tracks. The work at Little Rock referred to in the employees' complaint in this instance was handled on the repair tracks and not in the back shops.

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 employees 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.

Rule No. 62 of the Boilermakers' Special Rules reads:

"* * * Boilermakers' work, including regular and helper apprentices, shall consist of laying out, building, or repairing boilers, tanks, and drums * * *."

The building and repairing of tanks, including the tank portion of a tank car, is obviously intended to be boilermakers' work.

AWARD

Claim of employees sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 21st day of October, 1936.