

Award No. 413

Docket No. 396

2-MP-BM-'39

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 2, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That Vern Bess, boilermaker, who is assigned as leadman, boiler inspector and welder (for all crafts) at Poplar Bluff, Mo., be compensated for all time worked from November 1, 1934, to date at an additional differential rate of 10¢ per hour under Rules 85 (a) and 27, current wage agreement.

POSITION OF EMPLOYES: At the present time Boilermaker Vern Bess is, and has been for a period of years, assigned as leadman, boiler inspector and welder for all crafts at Poplar Bluff, Mo., being paid a 5¢ differential above the established rate for mechanics at that point.

Mr. Bess was first assigned as a welder at Poplar Bluff, November 15, 1925; prior to that time two welders were employed, one who did the oxyacetylene welding and the other the electric welding. One of these welders quit, and the other not being capable of doing all classes of welding, the job was combined and Mr. Bess assigned to it, receiving a 5¢ differential as provided for in the agreement in effect at that time.

Mr. Bess was later assigned as boiler inspector in addition to his assignment as welder, but still receiving only his original 5¢ differential.

"Rule 85 (a)—Boilermakers assigned as boiler inspectors and autogenous welders shall receive five cents (5¢) per hour above the minimum rate paid boilermakers at the point employed, in accordance with Rule 29."

This rule does not provide for combining the two jobs under one differential rate of 5¢ per hour.

Rule 66 (a), covering special services, provides for boiler inspectors to be regularly assigned where 15 or more engines receive monthly staybolt inspections. It further provides that they may be assigned to other boilermakers' work when not occupied with inspection work.

We contend that welding, which is covered under the agreement as special services and paid for accordingly, does not come within the scope of Rule 66 (a) as boilermakers' work. Furthermore, Mr. Bess was first a full-time regularly assigned welder and had added to his duties the position of boiler inspector without any additional pay.

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.

Rule 27, unlike other rules of this nature, provides that lead workmen shall receive a differential of five cents per hour above the established rate for their class.

Vern Bess' class was inspector-welder and for such work was receiving five cents per hour differential as provided for in Rule 85 (a). Therefore, under Rule 27, he is entitled to receive five cents per hour above the rate of his class of inspector-welder from the date protest was entered.

AWARD

Vern Bess will be paid five cents per hour above that paid him as inspector-welder from December 31, 1938.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 20th day of December, 1939.