

Award No. 415

Docket No. 414

2-ACL-BM-'39

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: Request that boilermaker helpers performing boilermakers' work be discontinued and boilermakers be assigned to perform the work of operating long stroke air hammers.

EMPLOYEES' STATEMENT OF FACTS: Helpers assigned to assist boilermakers at Waycross, Ga., shops are performing the same duties as boilermakers at the request of the supervisor in charge.

POSITION OF EMPLOYEES: That the management has violated boilermakers' special Rule 202, of agreement between the Atlantic Coast Line Railroad Company and the International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America by requiring boilermaker helpers, assigned to assist boilermakers, to take long stroke air hammer to drive rivets. The rule plainly states that riveting is boilermakers' work, as quoted below:

Rule 202. "(a) Boilermakers' work shall consist of laying out, cutting apart, building or repairing boilers, tanks and drums, inspecting, patching, riveting, chipping, caulking, flanging and flue work; * * * removing and applying all staybolts, radials, flexible caps, sleeves, crown bolts, stay rods, and braces in boilers, tanks and drums; applying and removing arch tubes; operating punches and shears for shaping and forming in connection with boilermakers' work; pneumatic staybolt breakers, air rams and hammers; * * * and all other work generally recognized as boilermakers' work."

Also Rule 27, paragraph (a), states:

"Only mechanics and apprentices regularly employed as such will do the work as per special rules, except as otherwise provided for in this rule." (Emphasis ours.)

We wish to call the Honorable Board's attention to Exhibits A and B, wherein we called the management's attention to this practice of violation of the agreement; also Exhibits C and D, wherein we could not get the management to discontinue this violation. Conference dates have been requested for the purpose of settling all pending cases and my requests have been declined on all cases that have been discussed, which Exhibits E, F, G, and H will substantiate.

Therefore, we contend that operating air hammers and driving rivets is boilermakers' work.

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 use of long stroke pneumatic hammer in driving rivets is classified as boilermakers' work in Rules 27 and 202 in current agreement.

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 21st day of December, 1939.