

Award No. 417

Docket No. 416

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 drilling tell-tale holes in staybolts.

EMPLOYEES' STATEMENT OF FACTS: Helpers assigned to assist boilermakers (Uceda Shop at Tampa, Florida) are performing the duties of a boilermaker at the request of supervisor in charge.

POSITION OF EMPLOYEES: That the management has violated Rule No. 27 (a) and Boilermakers' Special Rule No. 202, of agreement between the International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America, and the Atlantic Coast Line Railroad Company, by requiring boilermaker helpers, assigned to assist boilermakers, to drill tell-tale holes in staybolts. The rate plainly states that drilling is boilermakers' work.

Rule No. 27 (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."

Boilermakers' Special Rule No. 202 states in part:

"* * * boilermakers' work in connection with building and repairing of steam shovels, derricks, booms, housing, circles, and coal buggies; I-beam channel iron, angle iron and T-iron work; drilling, cutting and tapping and operating rolls in connection with boilermakers' work; oxy-acetylene, thermit and electric welding as provided in Rule 17, and all other work generally recognized as boilermakers' work."

Interstate Commerce Commission, Boiler Inspection Law states:

"Telltale holes. All staybolts shorter than 8 inches applied after July 1, 1911, except flexible bolts, shall have telltale holes, three-sixteenths inch in diameter and not less than 1¼ inches deep in the outer end. These holes must be kept open at all times."

In affidavit submitted, marked "Carrier's Exhibit A," from Boiler Foreman E. P. Fairchild, who has been employed in the Waycross, Georgia, shops for 29 years, Mr. Fairchild states that the practice of opening up these tell-tale holes with a helper has been in existence ever since the inauguration of the Federal Locomotive Inspection Laws in 1911.

Carrier, therefore, contends that inasmuch as it has been the practice to do this work with helpers, and that as there is nothing in the agreement between the carrier and the International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America that stipulates the drilling of tell-tale holes as boilermakers' work, that the claim should be dismissed.

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 rules of agreement do not specifically cover the work in question and the dispute should be disposed of by negotiation.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 21st day of December, 1939.