

Award No. 503

Docket No. 508

2-ACL-BM-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

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

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That shop laborers, in addition to other than boilermaker helpers, are being used in carrier's shops to perform boilermaker helpers' work in violation of Rule 204.

EMPLOYES' STATEMENT OF FACTS: It is the practice at all shop points on the Atlantic Coast Line Railroad, where flues are removed and applied, to assign shop laborers, blacksmith or carmen helpers in the work of scaling boilers. The duties required in this operation are being handled by laborers, blacksmith or carmen helpers.

Ordinarily two men are used in the scaling of boilers. However, sometimes a boilermaker helper is used, but in most instances laborers, blacksmith or carmen helpers are used, entirely eliminating boilermaker helpers.

The case has been handled in accordance with provisions of the rules and the amended Railway Labor Act, and denying adjustment, the carrier has also declined joining us in submission to the Second Division, National Railroad Adjustment Board, taking the position Rule 19, Grievances, had not been complied with in the handling of this case.

POSITION OF EMPLOYES: The instant claim was initiated in May, 1938, at Waycross, Georgia, when the local committee protested management assigning laborers to scale boilers. The same practice was later complained of at Montgomery, Alabama, and at various other points on the system, and when handled with master mechanics and superintendent motive power, the management claimed that the laborers could be used in connection with this work as it did not come within the scope of the rules governing boilermakers or boilermaker helpers. The carrier's claimed right of a laborer to this extent is probably accountable for the fact as stated above, and the laborer performs the work of a boilermaker helper. This work is sometimes performed by hand, air hammer, rotary tool or sand blast to remove the scale off the walls of the boiler and boiler braces before applying flues to the boiler. In substantiation of the fact that laborers, blacksmith and carmen helpers are being used as claimed, we submit Exhibits A, A-1, B, C, and D, affidavits from employees on the system in which they explain their use in the scaling of boilers.

It is the contention of the employees that the work of scaling boilers is boilermaker helpers' work and is generally recognized as such in all similar rules.

There are several points at which boilers are removed from the frames on account of removing fire boxes. After fire boxes are removed, the boilers are carried to sand blast tracks where freight and passenger cars are sandblasted. After sandblasting, the boiler is painted with red lead.

Complaint was made at Waycross, Ga., about painter helper doing the sandblasting of these boilers that were removed from the frames and placed on these tracks. So to settle the complaint, we sent a boilermaker helper to sandblast the boiler also. By both helpers (boilermaker helper and painter helper) doing the work, there would be no complaint.

In Rocky Mount, N. C., the sandblasting nozzle was developed for sanding the boilers inside the shop, which is done by boilermaker helper, as the sand blasting inside the shop was developed while being used by a boilermaker helper.

At other points, if laborers are busy with other work and boilermaker helpers can be spared, they are used to scale boilers.

Rule 204 does not give to boilermaker helpers the work of scaling boilers as this work has been done by laborers for many years and recognized as laborers' work.

Therefore, we respectfully request the National Railroad Adjustment Board, Second Division, to dismiss this claim.

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 evidence of record in this case does not affirmatively show the rule or its application supports the employes' claim.

Any misunderstanding of the rule should be clarified by negotiation.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 1st day of August, 1940.