

Award No. 569

Docket No. 578

2-IC-FO-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (FIREMEN & OILERS)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That water tenders in the 14th Street Power Plant, Chicago, Illinois, are improperly classified and paid; that the wages of such employes be adjusted to 58¼¢ per hour commencing November 2, 1938; and that Rule 42 has been violated.

EMPLOYEES' STATEMENT OF FACTS: October 5, 1938, bulletin was posted indicating that employes previously classed as firemen must have water tenders' license, which reads:

October 5, 1938

NOTICE

EMPLOYEES AT 14TH ST. POWER PLANT:

THE BOARD OF EXAMINERS OF STATIONARY ENGINEERS FOR THE CITY OF CHICAGO, REQUIRES THAT WE LIVE UP TO THE CITY ORDINANCE WHICH PROVIDES THAT FIREMEN USED AT 14TH STREET POWER PLANT MUST HAVE WATER TENDERS' LICENSE. THOSE OF YOU WHO ARE LIKELY TO BE USED AS FIREMEN DURING THE COMING WINTER ARE HEREBY NOTIFIED THAT IT WILL BE NECESSARY FOR YOU TO OBTAIN A WATER TENDERS' LICENSE WHICH MUST BE DISPLAYED IN THE BOILER ROOM WHILE YOU ARE ON DUTY.

E. J. HOLLAHAN
GENERAL FOREMAN

EJH-BAR

CC—Mr. H. L. Needham
Mr. A. L. Sawyers

Mr. A. L. Sawyers:

This in connection with my conversation with you yesterday in A. M.

E. J. H.

November 1, 1938, bulletin was posted outlining the vacancies in the power plant to be filled by applicants, which reads in part:

EACH PERSON MAKING BID FOR JOB AS FIREMAN MUST HAVE WATER TENDERS' LICENSE OR A RECEIPT FROM THE EXAMINING BOARD WHICH IS TO BE IN HIS POSSESSION WHILE ON DUTY.

by Rule 42 and are only subject to change as provided for in the Railway Labor Act.

It follows, then, from what has been said heretofore, that the employes' claim is worded in a deceptive manner. It will be noted the employes' claim that water tenders at 14th Street power plant should have their wages adjusted to 58½¢ per hour. The proper rate of pay for water tenders at this point is 58¼¢ per hour. This rate is paid to all those who are charged with the duties and responsibilities of a water tender. The proper rate of pay for the stationary firemen at this point is 55¢ per hour, and all those employes performing this class of work are properly compensated at this rate of pay.

In conclusion, we have shown that no change has been made in either—

1. The operation of the power plant at 14th Street,
2. The duties of the stationary firemen at this point,
3. The responsibility of the stationary firemen at this point, or
4. In the rates of pay of either the stationary firemen or the water tenders,

since the inception of the schedule agreement providing for the existing rates of pay with subsequent increases, and the carrier therefore requests that your Board either refuse to take authority in the case or decline the employes' request without qualification.

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 agreement provides for the classification of water tenders and water tenders' rate of pay, but is silent on the requirements of this classification.

The employes in question were required to obtain license as water tenders in accordance with the Chicago Municipal Code, which provides in part:

“* * * Any person who has charge of a steam boiler, whose duty it is to keep up the water in such boiler, shall be deemed a boiler or water tender, within the meaning of this chapter, but the provisions hereof for the examination, licensing and regulation of boiler or water tenders shall apply only to boiler or water tenders who are in charge of a steam boiler or boilers which are detached from the engine room, or so far removed therefrom or otherwise circumstanced or located as to render it difficult for the engineer in charge of the plant to give such boiler or boilers his personal attention and supervision.”

AWARD

Employes who are required to have license and perform the duties of water tenders, as outlined, shall be paid the water tenders' rate.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 17th day of February, 1941.