

Award No. 649

Docket No. 671

2-B&LE-BM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**RAILWAY EMPLOYEES' DEPARTMENT, A. F. OF L.
(Boilermakers)**

BESSEMER & LAKE ERIE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That boilermakers be re-assigned to the work of applying, removing and transfer of steel tender tanks and trainmen's steel tender cabs.

EMPLOYEES' STATEMENT OF FACTS: Until 1931, boilermakers and helpers were employed in the building, repairing, application, removing and transfer of steel tanks and trainmen's tender cabs on the Bessemer and Lake Erie Railroad.

POSITION OF EMPLOYEES: That due to a reduction of the boiler forces in 1931, the removing, applying and transfer of this work was improperly assigned to carmen by management in violation of the boilermakers' special Rule 66 of the agreement between the Bessemer and Lake Erie Railroad and the shop craft employes of the maintenance of equipment department, dated December 24, 1921, which states in part:

"Boilermakers' work shall consist of laying out, cutting apart, building, or repairing boilers, tanks, and drums; inspecting, patching, riveting, chipping, calking, flanging and flue work; building and repairing steel cabs . . ."

The boilermakers performed this work from 1910 to 1931 under the agreement dated December 24, 1921, which is still in effect, but during the depression and subsequent furloughs this work was given to the carmen, in violation of Rule 136 of said agreement for the reason that no conferences were held with the employes prior to the management issuing the order of change.

Therefore, inasmuch as the boilermakers formerly performed the work of applying, removing and transfer of steel tanks and trainmen's cabs and it was generally recognized as boilermakers' work up until the year 1931, it is our contention that this work should be returned to the boilermakers' craft in accordance with Rule 66 of the current agreement.

J. H. Gutridge, International Vice-President
International Brotherhood of Boiler Makers
Iron Ship Builders and Helpers of America
522 Brotherhood Block
Kansas City, Kansas

Dear Sir and Brother:

As per our telephone conversation yesterday, this is to advise that there is no jurisdictional dispute as far as we are concerned between

Therefore, as the original practice prior to 1923 was revised at that time to have carmen perform the work in question and as the practice in effect April 14, 1939 (the effective date of the boilermakers' agreement), was to have carmen perform the work in question, there is no doubt but that the work in question is still part of carmen's work and cannot be given to boilermakers without an agreement with the carmen, who are also subject to the rules governing shoft craft employes of the maintenance of equipment department dated December 24, 1921, and effective July 1, 1921.

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 waived right of appearance at hearing thereon.

Rule 66 defines the classification of work that belongs to boilermakers. This rule does give boilermakers the right of

“* * * laying out, cutting apart, building, or repairing boilers, tanks, * * *; inspecting, patching, riveting, chipping, calking, flanging, * * *; building and repairing steel cabs * * *; laying out and fitting up any sheet iron or sheet steel work made of 16-gauge or heavier (present practice between boilermakers and sheet metal workers to continue relative to gauge of iron), * * *; engine tender steel underframe and steel tender truck frames, except where other mechanics perform this work; * * *.”

If other than boilermakers are performing such work as is indicated in the foregoing, it must be regarded as an improper application of the rule.

The removing and applying of steel tender tanks and trainmen's steel tender cabs does involve work as mentioned in Rule 66; however, the transfer movement of the parts mentioned is not covered by Rule 66.

AWARD

Claim of employes sustained as to the removing and applying of steel tender tanks and trainmen's steel tender cabs.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 3d day of November, 1941.