

Award No. 814

Docket No. 756

2-CRI&P-SM-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**The Second Division consisted of the regular members and
in addition Referee Bruce Blake when award was rendered.**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (SHEET METAL WORKERS)**

**THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY
COMPANY**

DISPUTE: CLAIM OF EMPLOYEES: A. That under the controlling agreement and Rule 90 thereof sheet metal workers shall be assigned to perform the work of removing magnesia and plastic lagging from boilers at Silvis.

B. That the senior available furloughed sheet metal worker be compensated for all time lost, since September 15, 1941, on account of the carrier required Virgil Miller, sheet metal worker helper to perform the work of removing magnesia and plastic lagging on boilers at Silvis.

EMPLOYEES' STATEMENT OF FACTS: At Silvis shops, since September 15, 1941, the carrier has required Sheet Metal Worker Helper Virgil Miller to perform the work of removing magnesia and plastic lagging from boilers at Silvis. The carrier has declined to assign sheet metal workers to the above referred to work at Silvis.

POSITION OF EMPLOYEES: At Silvis, Illinois, since September 15, 1941, the effective date of our current agreement, the carrier has violated and still is violating Rule No. 90, of that agreement by declining to assign a sheet metal worker to the work of removing magnesia and plastic lagging on boilers at Silvis. On the Rock Island Railroad the application and removal of magnesia and plastic lagging from boilers is recognized as work that properly comes under the jurisdiction of the sheet metal workers' craft and the sheet metal workers' classification of work Rule 90 is so interpreted in the form of a printed memorandum of agreement, attached thereto, which reads in part as follows:

"Note: In consideration of granting the above sheet metal workers' classification of work Rule 90 in agreement of September 15, 1941, it is agreed that the following differential rated sheet metal worker helpers:

**John Eleopoulos
Ernest Brockrogge
Elmer Gustus**

**Martin Gomez
Edward P. Evans
Harry Bone**

Who are exclusively engaged on babbit fires, application and removal of magnesia and plastic lagging to boilers and the making of pipe clamps at Silvis Shops, will be permitted to remain on such jobs or

The claim has no merit and should be declined.

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.

In the **Note** to Rule 90, excepting certain sheet metal worker helpers from the operation of the rule, it is explicitly recognized that—" * * removal of magnesia and plastic lagging" falls within the scope of "sheet metal workers' classification of work rules." Miller was not one of those whose position was "pegged" by the **Note** interpreting Rule 90. There was no justification, therefore, for continuing to employ him on work falling within the classification of work rules pertaining to sheet metal workers.

Furthermore, in Award No. 325, this Division held that removal of lagging from boilers is mechanic's work.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 6th day of August, 1942.