

Award No. 1040

Docket No. 966

2-IC-BM-'44

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Herbert B. Rudolph when award was rendered.

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That at Cedar Rapids, Iowa, the carrier has and is violating the controlling agreement and Rules 72, 74, 33 and 12, thereof, by arbitrarily performing all boilermakers' craft work with C. R. I. & P. boilermakers' craft.

2. That in consideration of the aforesaid violation, the boilermakers' craft employed by the Illinois Central are deprived of work rightfully belonging to them under the agreement and that the carrier be ordered to—

- (a) Cease and desist using C. R. I. & P. boilermakers' craft at Cedar Rapids, Iowa.
- (b) Perform said boilermakers' craft work at Cedar Rapids by employees who are regularly employed by the Illinois Central Railroad.

EMPLOYEES' STATEMENT OF FACTS: The carrier maintains at Cedar Rapids, Iowa, a four-stall roundhouse; One Seller boiler washing injector and pressure pump for washing boilers; tools necessary to perform boiler work. There are employed at Cedar Rapids roundhouse a general foreman, two carmen and four laborers. Two freight locomotives and one locomotive used for switching are daily handled at this roundhouse, inspections and necessary repairs made.

From the year 1911 to 1936, inclusive, the inspection of boilers, boiler repairs such as renewal of stay-bolts, flue work, steam leaks, etc., were performed by boilermakers regularly employed by the Illinois Central Railroad. Whenever occasion arose to make inspections required by rules and regulations of the Bureau of Locomotive Inspection, Interstate Commerce Commission, or work such as repairing steam leaks, renewing stay-bolts, etc., boilermakers employed by the Illinois Central Railroad at Waterloo, Iowa, were sent to perform said work.

Commencing about August 1, 1936, and since, boiler inspections and other boiler work, such as renewal of stay-bolts, repairing steam leaks, etc., all of which was formerly performed by boilermakers regularly employed by the Illinois Central, have been performed by boilermakers regularly employed by the Chicago, Rock Island and Pacific Railroad.

2. No employes covered by the boilermakers' agreement are now employed nor have ever been employed at Cedar Rapids because there has never been nor is there at the present time a sufficient amount of work to justify the employment under the rules of that agreement a mechanic of this craft.
3. There has been no violation of any rule of the boilermakers' agreement.
4. It would be necessary to incorporate in the present agreement a new rule to justify the claim which is not within the jurisdiction of this Board.

In view of these circumstances, request is made that the claim be declined in its entirety 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 work here involved is work which comes under the agreement effective April 1, 1935. While it might be more convenient to the carrier to have this work performed by C. R. I. & P. employes the record clearly establishes that the work can reasonably be performed (as it has on many occasions) by employes of the Illinois Central, who are entitled thereto under the agreement.

AWARD

Claim (a) sustained.

Claim (b) sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois this 13th day of November, 1944.