

Award No. 1877

Docket No. 1738

2-IC-BM-'55

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Lloyd H. Bailer when the 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 under the current agreement the Carrier improperly assigned a Laborer to help Boilermakers, their Helpers and Apprentices, to remove flues from a stationary boiler in the Power House, located at its Markham Locomotive Shops, on Wednesday, April 1, 1953.

2. That accordingly the Carrier be ordered to compensate Boilermaker Helper P. Farreta in the amount of 8 hours at the time and one-half rate on the aforesaid date.

EMPLOYEES' STATEMENT OF FACTS: At Markham Locomotive Shops, Chicago, the carrier employed a force of approximately 20 boilermakers, 18 boilermaker helpers and 3 boilermaker apprentices. The carrier made the election on April 1, 1953 to assign 2 boilermakers, 1 boilermaker apprentice and 1 boilermaker helper to remove approximately 230 four inch flues from the power house boiler. It was necessary to lower these flues from the boiler a distance of about fifteen feet to the floor by the method of the common block and tackle facility and, in the handling of the lowering of these flues, it was necessary to provide additional help. Consequently, the carrier assigned a laborer to help in the handling of those flues from the boiler to the floor through the block and tackle process.

The work in question was performed on the first shift from 7:00 A. M. to 3:30 P. M. and this laborer was used to help handle the aforesaid work during the entire first shift tour of duty Wednesday, April 1, 1953. Thus, the carrier made no election to call Boilermaker Helper P. Farreta, hereinafter referred to as the claimant, who was regularly assigned at that time on the second shift from 3:30 P. M. to 12:00 Midnight.

This dispute has been handled with the carrier up to and including the "highest designated railroad official," with the result that he has declined to adjust it.

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 question is whether on April 1, 1953 carrier violated scope rules pertaining to the boilermaker's craft in assigning a laborer to assist a boilermaker helper. Said assistance consisted of holding the rope of a block and tackle used in connection with lowering to the floor the flues of a power house boiler. A crew consisting of two boilermakers and one apprentice worked on top of the boiler, cutting flues from flue sheets or headers by means of a cutting torch. The crew fastened the separated flues to the block and tackle, whereupon the helper below lowered them. But the helper declared the weight of the flues was too great for him and asked for aid. The laborer was therefore assigned to assist him.

General Rule 53 provides: "Craftsmen and apprentices will be furnished sufficient and competent help when needed to perform their work." Boilermaker scope Rule 72 refers to "flue work," and boilermaker helper Rule 74 contains reference to "cutting, polishing and swedging of flues (under supervision of boilermakers)." Carrier contends the duty to which the laborer was assigned was unskilled work and thus not covered by Rules 72 and 74. It further asserts Rule 53, as applied to boilermakers, means only that boilermakers will be supplied to perform boilermaker's work, but that operation of lowering flues to the floor is not boilermaker work. Organization contends such operation is an integral part of flue work, and that in the present case a laborer could properly have been used in handling or transporting the flues only after they reached the floor.

We are not unmindful that it would be possible to divide many craft operations into their component elements, to then say that certain of those elements are purely manual or unskilled in nature, and that unskilled employes should therefore be assigned to perform such tasks. We do not deny that such a procedure could be used to dilute the work jurisdiction of skilled employes, and to violate an existing scope rule.

We do not think the incident here disputed is an example of the above-described procedure, however, nor are we of the opinion that a denial award in this case would support the doctrine which the petitioner apparently fears. In our judgment, the contention that carrier violated the pertinent scope rules by assigning a laborer to hold the rope is to place a strained construction upon said rules.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January, 1955.