

Award No. 10910
Docket No. MW-10658

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Preston J. Moore, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

SOUTHERN PACIFIC COMPANY (Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) That the Carrier violated the effective Agreement and Letter of Understanding, File MofW 46-65 and MofW 46-66, dated August 1, 1952 when for the months of June and July, 1957 it failed to reimburse employes assigned to B&B Gang #10 for actual expenses incurred by them.

(2) That the Carrier now reimburse employes of Bridge and Building Gang #10 for the violation referred to in Part (1) of this claim in the amounts as follows:

Martin Crouse	\$ 40.56	Marko Yajih	\$ 40.56
W. R. Edmondson	114.92	F. G. Hinesley	75.90
M. D. Houston	99.35	Ted Johnson	89.70
J. L. Vineyard	93.15	T. J. Berry	98.40
Leroy B. Hicks	111.54	Jasper Hartley	117.30
Ralph M. Banks	55.25		

EMPLOYES' STATEMENT OF FACTS: Claimants named in Part (2) of this claim hold seniority in their respective classes within the Bridge and Building Sub-department on the San Joaquin Division of the Southern Pacific Railroad Company and are assigned to B&B Gang #10.

During the months of June and July, 1957, employes of B&B Gang #10 were instructed to dismantle part of the roundhouse and do various other carpenter work on the Visalia Electric Railroad.

Claimants named in Part (2) above submitted personal expense accounts in the amounts as shown in Part (2) of this claim, and were denied payment of same. The Carrier retained the personal expense accounts which were submitted by them.

at the tool car which was coupled to their outfit cars; thus they commenced and terminated their tour of duty on carrier's own property.

CONCLUSION

Carrier asks that the claim be denied.

All data herein submitted have been presented to the duly authorized representative of the employees and are made a part of the particular question in dispute.

OPINION OF BOARD: This is a dispute between the Brotherhood of Maintenance of Way Employees and the Southern Pacific Company.

During the months of June and July, 1957, Claimants were assigned to B&B Gang #10. Gang #10 was instructed to dismantle part of the roundhouse on the Visalia Electric Railroad. Claimants submitted personal expense accounts and were denied payment. The Organization contends that the Carrier violated the Agreement and Letter of Understanding when it refused payment of the expenses submitted.

Carrier contends that the Claimants were not taken from their regularly assigned work to perform work on another railroad.

The pertinent part of the Letter of Understanding is as follows:

"It was further understood and agreed that when any employee covered by the current agreement of September 1, 1926, is for any reason taken from his regularly assigned work performed for Southern Pacific Company (Pacific Lines) to perform work exclusively on another railroad, he shall be allowed compensation therefor in accordance with the applicable provisions of the current agreement, and in addition will be allowed actual necessary expenses during the period he so works, from the initial date the employee works on the other railroad to and including last date on which he so works."

For the Employee to be entitled to actual necessary expense, there were two requirements. One was for the Employee to be taken from his regular assigned work. The second was to perform work exclusively on another railroad. We believe that the Claimants were not taken from their regular assigned work.

For the foregoing reason we believe the Agreement was not violated.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 19th day of November 1962.