

Award No. 14632
Docket No. MW-14006

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

CENTRAL OF GEORGIA RAILWAY COMPANY

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

(1) The Carrier violated the effective agreement when it assigned Apprentice Foreman R. E. Wilder to perform Section Foreman's duties during the months of July and August, 1961, and failed and refused to compensate him therefor at the Section Foreman's rate of pay.

(2) Mr. R. E. Wilder be paid section foreman's pay for the months of July and August, 1961 at the rate applicable to the position of Section Foreman at Savannah, Georgia as created in Bulletin No. 1225.

EMPLOYEES' STATEMENT OF FACTS: The Claimant was regularly assigned to the position of Apprentice Foreman on the section headquartered at Savannah, Georgia.

During the months of July and August, 1961 the Claimant was assigned to and performed the duties attached to the position of section foreman on the aforementioned section, for which he was compensated at the Apprentice Foreman's rate of pay.

The dates and the section foreman's duties performed by the Claimant are as follows:

"On July 18, 1961 the Claimant, accompanied by three laborers, patrolled track (motored) from Savannah Yard to Travis Field road crossing clearing underbrush around telephone poles and beneath lines.

On July 28, 1961 the Claimant, accompanied by four laborers, patrolled track (motored) from Savannah Yard to Pooler, Georgia jolting and surfacing track at first crossing west of East Switch at Pooler.

at each and every stage of handling on the property. The claim has no semblance of merit.

The rules and working conditions agreement between the parties is effective September 1, 1949, as amended. Copies are on file with the Board and the agreement, as amended, is hereby made a part of this dispute as though reproduced herein word for word.

OPINION OF BOARD: This claim is based on the charge that the Carrier assigned an Apprentice Foreman to perform the work and duties of a Section Foreman on specified dates during July and August, 1961.

The information supplied by Employees as to the nature of the work involved herein is set forth in correspondence during the handling of the claim on the property that the Apprentice Foreman, together with track laborers, patrolled track, cleared underbrush, surfaced track, repaired rail joints and assisted in clearing and repairing track following a derailment, together with Petitioner's allegation, all denied by the Carrier, and unsupported by any evidence, that the Apprentice Foreman was instructed to direct the work of the section laborers.

Inasmuch as record does not contain any evidence to support Employees' position, the claim must be denied. See Awards 14079, 12244, 12415 and 14286.

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 30th day of June 1966.