

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(National Railroad Passenger Corporation - (Amtrak)  
Northeast Corridor

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

(1) The Carrier violated the Agreement when it failed and refused to maintain the headquarters at Millham in the condition specified by Rule 84(a) beginning July 1, 1985 (System File NEC-BMWE-SD-1370).

(2) As a consequence of the aforesaid violation, Trackman A. Alessi shall be allowed two (2) hours of pay for each day on which the violation occurs, on a continuing basis, beginning July 1, 1985."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

Parties to said dispute waived right of appearance at hearing thereon.

This matter concerns an allegation that Carrier failed to maintain Claimant's headquarters at Millham in a satisfactory condition, as specified by Rule 84(a) of the Agreement, so as to require Claimant to travel to other facilities before and after work for necessary preparation and cleanup.

Rule 84(a) reads:

(a) Each designated headquarters will be supplied with lockers, washing and toilet facilities, proper heating, electrical fixtures, table and benches and will be maintained in a clean and sanitary condition."

We are persuaded that, at least commencing July 1, 1985, because of vandalism, the Millham headquarters of Claimant was not adequate, as contemplated by Rule 84(a). Carrier contends that even if the Rule were violated no provision exists for support of the type of payment sought here.

Recently we had occasion to consider a similar case involving another carrier wherein a Signalman's headquarters was inadequate because of vandalism. In Third Division Award 27982, we found it appropriate to award Claimants one hour compensation per day worked from the date claimed until the headquarters conditions were corrected. We will do the same here at the straight time rate.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 10th day of August 1989.