

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 Agreement was violated when, on January 7, 1985, the Carrier used General Foreman A. DeStefano to supervise two (2) B&B mechanics engaged in boarding vandalized windows at the North Philadelphia Station (System File NEC-BMWE-SD-1278).

(2) Because of the aforesaid violation, B&B Foreman P. C. Essick shall be allowed four and one-half (4 1/2) hours of pay at his time and one-half rate."

FINDINGS:

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

The carrier or carriers and the employe 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.

As Third Party in Interest, the American Railway and Airway Supervisors Association was advised of the pendency of this dispute, but did not file a Submission with the Division.

On January 7, 1985, two B&B Mechanics were called out to make emergency board-up repairs to vandalized windows at Carrier's North Philadelphia Station. The work involved took four and one-half hours to complete. During that time a General Foreman, holding no seniority under the Maintenance of Way Agreement, was on the scene. The Organization contends that its Agreement was violated because Carrier failed to use Claimant, a B&B Foreman, to supervise the work.

Carrier has denied the Claim on a variety of grounds, but mainly that there is nothing in the Agreement which requires the assignment of a B&B Foreman to supervise each and every work assignment, and also, the performance of supervisory work is not exclusively reserved to members of the Maintenance of Way Craft. Carrier stresses that the services of a B&B Mechanic Foreman were not required for the two skilled employees who were performing a simple task.

Upon review of the entire record we are unable to read the Agreement as requiring the assignment of a B&B Foreman in the circumstances present here. The Claim is without merit and will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dexter - Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1992.