

**Award No. 13358**

**Docket No. MW-12816**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Nathan Engelstein, Referee**

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**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) The Carrier violated the effective Agreement when, during the period from March 4 through April 7, 1960 it assigned and used Bridge and Building Carpenters and Helpers, who hold no seniority in the class of painters, to perform painting work on the Ventura River Steel Bridge, located on its main line just west of Ventura, California, instead of using employes holding seniority in the class of painter.

(2) Painter Foreman Stanley Twerion and Painters Marc P. Connelly, J. L. Miller, C. A. Rajewich and Edward Fredrickson each be allowed pay at his respective straight time rate for an equal proportionate share of the 655 man-hours consumed by the Bridge and Building carpenters and helpers in performing the painting work referred to in Part (1) of this claim.

**EMPLOYEES' STATEMENT OF FACTS:** The Claimant Painter Foreman and Painters have established and hold seniority within Group 2 of the Bridge and Building Sub-Department and were regularly assigned as such to B&B Paint Gang No. 1 on the Los Angeles Division.

During the period from March 4 through April 7, 1960, the Carrier assigned and used Bridge and Building Carpenters and Helpers assigned to B&B Carpenter Gang No. 6, who hold no seniority rights in the class of painters, to augment and assist B&B Paint Gang No. 1 in painting the Ventura River Steel Bridge located on the Carrier's main line just West of Ventura, California.

The painter's work performed by the carpenter classes of employes consisted of cleaning (scraping and sandblasting) in preparatory for painting and applying paint to the bridge in question. 655 man-hours were consumed by these employes in the performance of this work.

**OPINION OF BOARD:** This dispute involves the same issues, parties, Agreement, factual situations and contentions as those presented in Award 13357. For the reasons contained in that Award, we hold 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 of the parties 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 26th day of February 1965.