

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19335  
Docket Number MW-19464

Arthur W. Devine, Referee

(Brotherhood of Maintenance of Way Employees  
PARTIES TO DISPUTE: (  
(Louisville and Nashville Railroad Company

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

(1) The Carrier violated the Agreement and Article IV of the National Agreement of May 17, 1968 when, without prior notification to the General Chairman, it assigned the work of spreading weed killer on the Poor Fork Branch and Clover Fork Branch, CV Division, to outside forces (System File 1-4/E-201-4).

(2) The Carrier further violated the Agreement when, except for April 8, 1970, it assigned an assistant roadmaster instead of a section foreman to supervise the work referred to in Part (1) of this claim and to obtain protective train line-ups in the pursuance of such weed killing work.

(3) Johnny Adams be allowed pay at the truck driver's rate and W. Dom-brouskie and John H. Witt be allowed pay at the track repairman's rate for 8 hours for each date of April 6, 7 and 8 and continue to be paid for the same number of hours that the weed killer spreader was used on subsequent dates.

(4) Mr. C. S. Haley be allowed 8 hours' pay at the section foreman's rate for each date of April 6 and 7 and continue to be paid for each date subsequent to April 8, 1970 for a number of hours equal to the amount of time said work is performed under the supervision of an assistant roadmaster.

OPINION OF BOARD: The issues involved in this dispute are the same and between the same parties as were involved in Award 19334. That Award is controlling herein. Accordingly, parts (1), (2) and (4) of the claim will be sustained. Part (3) will be denied.

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

That the parties waived oral hearing;

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

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That the Agreement was violated to the extent shown in Opinion.

A W A R D

Parts (1), (2) and (4) of Claim sustained; part (3) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: E.A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of July 1972.