

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31360
Docket No. MW-31962
96-3-94-3-311

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 Employes
(Terminal Railroad Association of St. Louis

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

- (1) The Agreement was violated when the Carrier assigned Bridge and Building Subdepartment forces to perform Track Subdepartment work (cleaning up ties) at the 14th Street Plant in St. Louis, Missouri beginning March 8 through 12, 1993, instead of assigning Track Subdepartment forces to perform such work. (System File 1993-19 TRRA/013-293-16)
- (2) As a consequence of the violation referred to in Part (1) above, Claimants W. Bailey and D. Matthes shall each be allowed eight (8) hours' pay per day at their respective straight time rates for all time expended by the B&B forces in the performance of the work in question."

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 employee 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.

The facts in this record disclose that between March 8, 1993 and March 12, 1993, several employees were assigned the task of clearing away crossties at the 14th Street Plant, St. Louis, Missouri. One of the employees assigned held Bridge and Building seniority. The Organization contends that the work was Track Department work and, therefore, only employees with Track Department seniority should have been used.

Upon review of the applicable cited Agreement provisions, this Board is inclined to agree with the Organization. The claim will be sustained, however, only for the equivalent amount of time that the B&B employee was assigned. The total hours worked by the B&B employee will be divided between the two Track Department Claimants.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 29th day of February 1996.