

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32917
Docket No. MW-32070
98-3-94-3-466**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Terminal Railroad Association of St. Louis)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when, by letter dated March 4, 1993, the Carrier instructed all of its Maintenance of Way employees that the wearing of steel toe safety boots was mandatory and then failed and refused to reimburse said employees for the expense incurred as a result of purchasing said boots (System File 1993-29/013-293-1).**
- (2) As a consequence of the violation referred to in Part (1) above, the Carrier shall be required to pay all Maintenance of Way employees for the expense of purchasing the safety boots and for any lost wages incurred as a result thereof."**

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 were given due notice of hearing thereon.

On February 5, 1993, the Carrier issued General Order No. 6 requiring effective April 1, 1993 that employees "wear steel toe Safety Boots." By letter dated March 4, 1993, the Carrier reminded employees of the requirement effective April 1, 1993 and advised the employees that they could purchase the safety boots on payroll deduction; payments would be spread out over four months; and the Carrier would make a one time \$30.00 contribution towards the purchase. This claim followed seeking reimbursement under Rule 4.

Based upon the record developed on the property and the arguments presented, the Organization has not carried its burden to show a violation of Rule 4. The claim shall therefore be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 23rd day of November 1998.