

PUBLIC LAW BOARD NO. 2960

AWARD NO. 108
CASE NO. 151

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Chicago & North Western Transportation Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it assigned other than Maintenance of Way Forces to clean snow from switches at Clinton, Iowa on March 17 and 18, 1984. (Organization File 3T-4583; Carrier File 81-84-182).
- (2) Trackmen J. J. Gutierrez, N. Sandstoe, J. F. Keefe and J. R. Sawvell shall each be allowed sixteen (16) hours at the applicable time and one half rate.

OPINION OF THE BOARD

This Board, upon the whole record and all of the evidence, finds and holds that the Employee and Carrier involved in this dispute are respectively Employee and Carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute involved herein.

The Organization claims that Rule 1(A)(G) and (C) were violated when the Carrier used switch crews to remove snow from switches.


It is well established that switch crews can remove snow from switches without violating the kind of scope rule at issue here, if the work is merely incidental to the operation of their particular assignment.

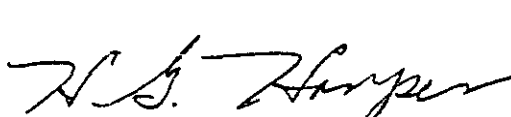
In this respect, the Organization's argument suggests that the switchmen were assigned to exclusively clean switches. The Carrier denies this to be the case.

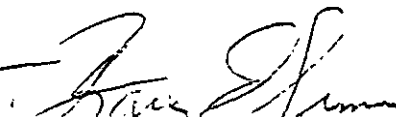
It is the opinion of the Board, that there is no basis in this record to reconcile the critical conflict in facts necessary to resolve the claim. Accordingly, the claim must be dismissed for lack of proof.

AWARD:

The Claim is dismissed.


Gil Vernon, Chairman


H. G. Harper, Employee Member


Barry E. Simon, Carrier Member

Dated: Jan 14, 1956