

SPECIAL BOARD OF ADJUSTMENT (P.L. BOARD) NO. 39

Award No. 16  
Case No. MW-230

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Spokane, Portland and Seattle Railway Company (System Lines)

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


- (1) The Carrier violated the Agreement when, without benefit of 'mutual agreement between the General Chairman and designated Representative of Management', it assigned or otherwise permitted 'outside parties' to inspect and clean crossings and rail flanges and to flag crossings at Wauna, Oregon on December 10, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 1965; January 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 1966; February 1, 2, 3, 4, 5, 7, 8, 9, 1966 and other dates subsequent thereto.
- (2) Section Foreman V. Raebel, Section Laborers R. Kallio, F. Pierce and M. Brecht each be allowed pay at their respective straight time rates for an equal proportionate share of the total number of man hours consumed by the contractor's forces during the claimants' regular assigned hours and pay at their respective time and one-half rates for an equal proportionate share of the total number of man hours consumed by the contractor's forces during hours outside of the claimants' regular assigned hours in the performance of the work referred to in Part (1) of this claim."


FINDINGS:

The Board, upon the whole record and all the evidence, finds that:

The rules relied upon, when applied to the facts of record, do not support an affirmative award.

AWARD: Claim denied.

  
J. P. Wilson, Employee Member

  
H. J. Tierney, Carrier Member

Portland, Oregon  
August 10, 1967