

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

Award No. 18
Case No. MW-232

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 excavate for and backfill three (3) culverts between Mile Posts 187 and 189 near Paterson, Washington.

(2) The Carrier further violated the Agreement when it assigned Track forces instead of B&B forces to install the aforesaid three (3) culverts.

(3) Machine Operator R. Shimmin be allowed pay at his straight time rate for the total number of man hours consumed by outside parties during the hours of his regular assignment and pay at his time and one-half rate for the total number of man hours consumed by outside parties during hours outside of his regular assignment in performing the work referred to in Part (1) of this claim.

(4) Messrs. L. Wells, T. Kirk, M. Underwood, O. Dorn and G. Day (B&B Crew No. 11) be allowed pay at their respective straight time rates for an equal proportionate share of the total number of man hours consumed by Track forces during the hours of the claimants' regular assignment and pay at their respective time and one-half rates for an equal proportionate share of the total number of man hours consumed by Track forces during hours outside the claimants' regular assignment in performing the work referred to in Part (2) of this claim."

FINDINGS:

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

In view of the facts and circumstances in this particular

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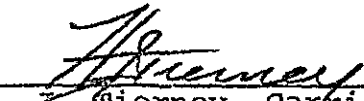
case and without construing the rules of agreement relied upon by the parties as they might apply to any other case involving the same or similiar set of circumstances, Claimant Shimmin will be allowed four hours pay.

In all other respects the claim is denied.

AWARD: As per Findings.



J. P. Wilson, Employee Member



H. J. Tierney, Carrier Member

Portland, Oregon
August 10, 1967