

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

Award No. 19  
Case No. MW-233

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 construct roadbed subgrade and to place rip-rap between Mile Posts 187 and 188 near Paterson, Washington.

(2) Machine Operators R. Shimmin and W. Kent 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 outside the claimants' regular assigned hours in the performance of the work referred to in Part (1) of this claim."

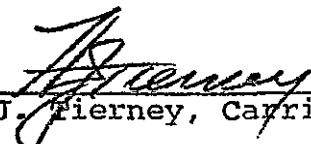
FINDINGS:

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

In view of the facts and circumstances in this particular 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 similar set of circumstances, each claimant will be allowed four hours' pay.

AWARD: As per Findings.

  
J. P. Wilson, Employee Member

  
H. J. Pierney, Carrier Member

Portland, Oregon  
August 10, 1967