

Award No. 31  
Case No. 5

Public Law Board No. 2778

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
The Baltimore and Ohio Railroad Company

STATEMENT  
OF  
CLAIM:

Carrier violated the Schedule Agreement, particularly Rule 1(c), when instructing other than Bridge and Building Department employees to renew ten pieces of corrugated fiberglass between No. 9 and No. 10 pits on June 26, 1978. Because of that violation R. G. Kerns and C. R. Hovatter should be compensated for four hours each at the appropriate rate of pay.

FINDINGS:

On June 26, 1978, two carmen replaced two pieces of corrugated fiberglass between No. 9 and No. 10 pits in the roundhouse at Cumberland, Maryland. It is Petitioner's position that that work should have been performed by Bridge and Building Department employees.

Claimants are regularly assigned carpenters in the Bridge and Building Department Maintenance in the shop is part of their regular duties.

Rule 1(c), the Classification Rule, is general in

nature and we are not satisfied that Petitioner has established by evidence that the work in controversy belongs exclusively to Bridge & Building Department employees. The record does not show that fiberglass actually constitutes part of the structure or that its repair affects the structural integrity of the roundhouse.

So far as the record indicates, these fiberglass shields serve as safety barriers for the protection of carmen working in the pits; their purpose is to retain soap cleaner and prevent the splashing of paint between the pits.

We are not persuaded by this record that the disputed work has been reserved exclusively to Bridge and Building Department employees.

AWARD:            Claim denied.

Adopted at Baltimore, Md. *July 13,* 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member