

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

Award No. 14  
Case No. MW-227

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 effective Agreement when, on January 21 and 24, 1966, and on February 7, 1966, it assigned or otherwise permitted Howard S. Wright Construction contractors to excavate for and to place culverts in the roadbed of the main line track at Wauna, Oregon.
- (2) B&B Foreman T. Smith, B&B Carpenters O. Gjovik, R. Hansen, G. Kilpatrick, H. Lein and M. Seelig, B&B Carpenter Helper J. Richardson, Truck Driver S. Suckow and Machine Operators W. Kent and D. Legore now be allowed pay at their respective straight time and time and one-half rates of pay for an equal proportionate share of the straight time and the overtime man hours consumed by the contractor's forces 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. See Award 4598.

AWARD: Claim denied.

  
J. P. Wilson, Employee Member

  
H. J. Tierney, Carrier Member

Portland, Oregon  
August 10, 1967