

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1016

AWARD NO. 4

Case No. 4

Referee Fred Blackwell

Carrier Member: R. O'Neill

Labor Member: S. V. Powers

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it failed and refused to allow Welders M. Wilson, S. Smith, S. Powers, W. Snider and J. Sherrock pay at the welder foreman's rate for the foreman work they performed each day beginning April 29, 1985 (System Docket CR-1672).

(2) Welders M. Wilson, S. Smith, S. Powers, W. Snider and J. Sherrock shall each be allowed the difference between what they should have received at the welder foreman's rate and what they were paid at the welder's straight time and overtime rates beginning April 29, 1985 and continuing until the matter is resolved.

FINDINGS:

Upon the whole record and all the evidence, and after hearing on December 5, 1988, in the Carrier's Office, Philadelphia, Pennsylvania, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

OPINION

In line with the discussion and findings in prior Award No. 2, Case No. 2, the herein claims will be denied for lack of

adequate evidence to establish that the Claimants performed Welder Foreman work involving the duty to "Direct" the other gang members.

AWARD

Claims denied.

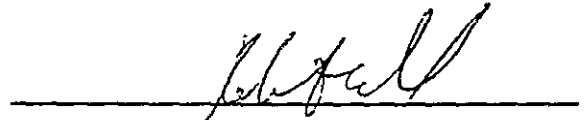
BY ORDER OF SPECIAL BOARD OF ADJUSTMENT NO. 1016



Fred Blackwell, Neutral Member



S. V. Powers, Labor Member



R. O'Neill, Carrier Member

Executed on December 5, 1989

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