SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
UNION RAILWAY COMPANY (Memphis)
(Wholly owned subsidiary of Mo. Pac.)

STATEMENT
OF CLAIM: Claim of the System Committee that:

1. The Carrier violated the effective Agreement by failing to permit Section Foreman Mr. Hurley Benton to supervise his crew at Georgia St. Yards, between the hours of 3:30 p.m. and 9:00 p.m. on March 14, 1960, during the progress of a snow storm.

2. The Carrier violated the effective Agreement by permitting Assistant Engineer B. A. Hardy to supervise a member of this Section Crew, Georgia St. Yards, in spiking a switch on this same date.

3. Section Foreman Hurley Benton be now compensated for five and one-half hours at the time and one-half rate for time lost on account of these violations of the Agreement referred to.

FINDINGS: Claim is based primarily upon the retention of two section laborers to clean snow from switches at two separate locations after their regular quitting time and after the claimant foreman was released from duty.

It is the carrier's responsibility to determine the amount of supervision needed and in these circumstances its determination that the claimant was not needed cannot be considered arbitrary.

Claim is in part based upon the fact that while on duty to clean snow, one of the laborers was taken in an automobile by the Assistant Engineer to spike a switch in the East Union Station connection to the main line and then returned to his place of work. It does not appear that such action required the presence of the foreman, nor was it a substitution for his actions nor that any directions were given except to spike the switch. This the Section Laborer knew how to accomplish.

AWARD: Claim denied.

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(s) Dudley E. Whiting
Dudley E. Whiting, Chairman

(s) A. J. Cunningham   (s) G. W. Johnson
A. J. Cunningham, Employe Member   G. W. Johnson, Carrier Member

St. Louis, Missouri
October 30, 1962
File 247-3867