

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
Versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the effective Agreement when, on September 14, 1957, it failed to call and use Section Foreman R. A. Story and Section Laborers J. Sandoval and Saul Clay to remove sand from a switch at Wichita, Kansas and required or otherwise permitted its Trainmaster and General Yardmaster to perform the necessary track maintenance service;
- (2) Section Foreman R. A. Story and Section Laborers J. Sandoval and Saul Clay each be allowed a minimum call payment at their respective rates of pay because of the violation referred to in Part (1) of this claim.

FINDINGS: On Saturday, September 14, 1957, a rest day of the claimants, a hopper door became disengaged on a car of sand permitting several tons of sand to fall onto the tracks. A portion of that sand spread into and clogged the switch points. The Trainmaster and General Yardmaster who were at scene used a shovel and broom to clean the sand from the switch points.

Removal of this debris under such emergency condition to permit continuance of the yard operations is similar to the situation involved in Award No. 7 of this Board and what was said there governs decision here.

AWARD: Claim denied.

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(s) Dudley E. Whiting

Dudley E. Whiting - Chairman

(s) A. J. Cunningham

A. J. Cunningham - Employee Member

(s) G. W. Johnson

G. W. Johnson - Carrier Member

St. Louis, Missouri
June 4, 1959