

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement by failing to assign Pumper J. E. Dalstein to the performance of pumping work at Jefferson City, Missouri, beginning May 26, 1958, and failing to assign Pumper W. H. Register to the performance of pumping work at Jefferson City, Missouri, beginning June 16, 1958.

(2) Pumper J. E. Dalstein be now compensated eight (8) hours' pay per day beginning May 26, 1958, to June 15, 1958, inclusive.

(3) Pumper W. H. Register be now compensated eight (8) hours' pay per day beginning June 16, 1958, and continuing.

FINDINGS: It appears that it has always been the practice to assign pumpers to perform the work of regeneration of the water treating plant at Jefferson City. There is no showing as to the practice in that respect at other points. Effective May 23, 1958, the pumper's job there was abolished and the work thereafter was performed by water service repairman and helper. Prior to that date a pumper had been assigned eight hours per day, seven days per week.

It is apparent that at that time there was some reduction in the amount of work necessary to operate the plant, but from that time until September 30, on the basis of five days' work per week, it appears that there was well in excess of four hours per day average work required. Under such circumstances it would appear that the Carrier was premature in its action in abolishing the position. However, commencing October 1, 1958, the plant process was changed, which reduced the amount of work involved to less than one and one-half hours per day on the basis of five days per week. Under those circumstances, there was obviously no necessity for retaining an operating job as such.

Under the circumstances shown it appears that the claim should be sustained on the basis of five days' operation per week from May 23 to September 30, 1958. Since the finding is that the abolition was premature, it appears that the appropriate remedy is to make the claimants whole so there should be offset against their claims any earnings for the same period of time.

AWARD: Claim sustained in accordance with the Findings.

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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, November 3, 1959