

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 is and has been in violation of the effective Agreement since "quitting time, May 3, 1957" at which time it effected a paper abolishment of the "position of Water Service Foreman, Omaha-Northern Kansas Division" and thereafter assigned the duties, responsibilities, and work of said Water Service Foreman's position to the B&B Supervisor, a position which is excluded from the scope of the Agreement.
- (2) The position, duties, and responsibilities of the aforesaid Water Service Foreman's position be restored to within the scope of the subject Agreement and that Water Service Foreman W. Don Johnston be allowed to again resume his duties, work, and responsibilities as a Water Service Foreman on the Omaha-Northern Kansas Division.
- (3) In addition to other compensation received, Water Service Foreman W. Don Johnston be allowed eight (8) hours' pay at the Water Service Foreman's straight time rate for each work day since May 3, 1957 that he has been deprived of filling the Water Service Foreman's position because of the violation referred to in Part (1) of this claim.

FINDINGS: Effective May 3, 1957, the Carrier abolished the position of Water Service Foreman on the Omaha-Northern Kansas Division and thereafter made the B&B supervisor responsible for the supervision of water service forces on that division. It appears that originally such forces were supervised by the B&B supervisor through an assistant B&B supervisor. In 1949 the Assistant B&B Supervisor position was abolished and a water service foreman position established.

It appears that the B&B supervisor has at all times possessed full supervisory responsibility over the water service foreman and the water service forces. At the time of the abolishment of the water service foreman position the water service forces on the division had been reduced to three repairmen, one helper and one laborer, and the Carrier decided that the level of supervision represented by the foreman was unnecessary.

Since the supervisory responsibility of the water service foreman flowed from the B&B supervisor and was at all times subordinate to his supervisory authority, it seems clear that it was perfectly proper for the Carrier to return full responsibility for such supervision to that supervisor.

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