

AWARD NO. 69  
Docket No. 69

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 by assigning an employe not covered by the Scope of the Agreement to the work of cleaning debris and refuse from and around the tracks and right of way at the Produce Yard near Grand Avenue, Kansas City, Missouri, since January 23, 1959, and continuing.
- (2) The senior furloughed section laborer on the Kansas City Terminal be now compensated for an equal amount of time at his pro rata rate as was consumed in the performance of this work referred to since January 23, 1959, and as long as this violation of Agreement continues.

FINDINGS: This claim involves work upon the premises of the Missouri Produce Yard, a joint operation by this and three other carriers. Since the work involved is not on the premises of this Carrier nor subject to its sole control, the fact that maintenance of way employes have performed the cleaning work for many years establishes no jurisdiction to such work in the employes of this Carrier. Under the circumstances here shown and the fact that the cleaning work involved is not normally regarded as repair or maintenance of right-of-way, there is no valid basis for the claim.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(s) Dudley E. Whiting

Dudley E. Whiting - Chairman

(s) A. J. Cunningham

A. J. Cunningham - Employe Member

(s) G. W. Johnson

G. W. Johnson - Carrier Member

St. Louis, Missouri  
September 7, 1962  
File E 247-3767