

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 on July 20, 1957, when it failed to call and use Section Foreman J. S. Reynolds and Section Laborers O. L. Allen and C. L. Greenlea to clean gravel from the street crossing at Webb City, Missouri and required or otherwise permitted Train Service employees to perform the necessary track maintenance service.
- (2) Section Foreman J. S. Reynolds and Section Laborers O. L. Allen and C. L. Greenlea each be allowed a minimum call * payment at their respective rates of pay account of the violation referred to in Part (1) of this claim.

FINDINGS: On Saturday, July 20, 1957, a rest day of the claimants, a train crew found that gravel had been spilled on the tracks at a street crossing from trucks crossing over the tracks. To avoid any hazard of derailment by gravel in the flangeways, the conductor on the switch engine procured a shovel and removed the gravel in a few minutes time.

Such action is not a violation of the agreement because it does not constitute track maintenance. It is rather simply emergency clearing of debris from the track to make possible the passage of the engine. Under such circumstances the claim is without merit.

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