

(C O P Y)

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees	}	
and	}	Case No. 44
St. Louis Southwestern Railway Company	}	Award No. 44

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the effective Agreement by failing to assign Paint Gang Foreman R. O. Wright and Painters C. R. Cook, Sam Stephens, G. E. Norman, A. H. Jackson, Joe Horne and W. P. Pritchett to the work of applying zone treating for the fire-proofing of trestles Nos. 485.05, 485.26 and 485.49 during the month of October 1959.
2. That the Carrier now compensate the claimants named for an equal proportionate share at their respective pro rata rate of pay of the total number of man hours consumed by the bridge gang in zone treating the bridges here involved.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

From the record the Board finds that the work set forth in this claim has been performed by Painters and B&B Gangs. It is, therefore, not the exclusive work of Painters. Therefore, this claim will be denied.

AWARD:

Claim denied.

(s) Thomas C. Begley

Thomas C. Begley, Chairman

(s) A. J. Cunningham

A. J. Cunningham, Employee Member

(s) M. L. Erwin

M. L. Erwin, Carrier Member

Dated at Tyler, Texas
November 19, 1962.