

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees )	Case No. 58
and )	Award No. 58
St. Louis Southwestern Railway Company )	

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement on June 20, July 10, and July 16, 1960, when it assigned Bridge Gang No. 5 to work of Zone Treating Bridges Nos. 527.24 and 527.54, in lieu of assigning the Bridge and Building Paint Gang.

2. Paint Foreman R. O. Wright and No. 1 Painters J. S. Stevens, C. R. Cook, G. E. Norman, W. P. Pritchett and No. 2 Painter A. H. Jackson be now reimbursed a proportionate share at their respective pro rata rates of pay of the man-hours consumed by Bridge Foreman Short and his Gang No. 5 in performing this referred-to work.

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.

The Organization states that the claim here involves the application of what is commonly referred to as the Zone Treatment of wooden structures, particularly bridges and trestles, for fire protection. This referred to Zone Treatment is in brief the application of a fire retardent liquid, which is brushed onto the up-turned surfaces of wooden bridges and trestles. This liquid coating is an asphalt compound of a sort. The wet surface is then dressed with stone or gravel screenings that anchor into it and, thus, help it stay adhered to the timber. This protects the timber from fire caused by sparks or other forms of fire.

In the initial application of this type of Zone Treatment the Carrier set up a special gang and advertised the positions to the Painters class in its B&B Department. The positions were filled from those on the Painters Roster. By this action the Carrier, in classifying this work in this first instance, properly recognized it as Painters work. Therefore, it is work belonging to those employees who hold seniority on the Painters Roster.

The Organization further states that on dates of claim Bridge Foreman M. Short and his gang were making repairs to certain of the Carrier's bridges. In making repairs to these trestle bridges, the Bridge Gang renewed stringers, caps and bridge ties. After the installation of these new timbers, the B&B Bridge Crew then proceeded to treat the exposed surfaces of these referred to new timbers with the Zone Treatment.

The Carrier states that the background with regard to the fireproofing of trestles was fully explained in Carrier's submission in Case No. 44. During the months of June and July B&B Gang No. 5 on the territory between Mt. Pleasant and Tyler, Texas, was engaged in making programmed repairs to various trestles which included trestles Nos. 527.28, 527.54 and 527.13. This work was not major renewal work, but certain timbers on two of these trestles were replaced in connection with regular maintenance work. As the work was completed, the exposed top surface of any stringer and ties renewed were fireproofed by Zone Treating. This B&B gang consumed eight hours in Zone Treating Trestle 527.28 in June of 1960; three and one-half hours in Zone Treating Trestle 527.28 in July of 1960; nine and one-half hours in Zone Treating Trestle 527.54 in July of 1960; no Zone Treating was performed on Trestle 527.13 in July of 1960.

The Board finds from the evidence submitted in this case that the same factual submission was given by the employees in Case No. 44. The Organization states that the Board erred in its decision in Case No. 44.

The Board, after giving careful consideration to the submissions of both the Carrier and the Organization, finds ~~that~~ for the reasons given in Case No. 44 resulting in Award No. 44 this claim should be denied.

AWARD: Claim denied.

(Signed) Thomas C. Begley  
Thomas C. Begley, Chairman

(Signed) A. J. Cunningham (Dissenting)  
A. J. Cunningham, Employee Member

(Signed) M. L. Erwin  
M. L. Erwin, Carrier Member

Dated at Tyler, Texas  
December 14, 1964