

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)

and)

St. Louis Southwestern Railway Company)

Case No. 68

Award No. 68

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement on February 17, 1961, by assigning or otherwise permitting Car Department employees E. Latham, H. L. Lunsford, N. C. Cunningham and J. H. Fuqua to clean out debris from the switch and switch points Nos. 3 and 4 on Rip Tracks in the Texarkana Yard.
2. Ceaser Gray, a senior furloughed section laborer, shall now be paid four hours pay at his respective pro rata rate which totals the number of man hours worked by these Carmen 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 on claim date the Carrier was engaged in a clean-up job of the Car Department Yard at Texarkana, Texas. The Maintenance of Way forces were excavating debris and dirt from beneath the tracks and loading it to carry same away for disposal. However, General Foreman L. E. Smith of the Car Department assigned the four named Car Department employees; namely Latham, Lunsford, Cunningham and Fuqua to clean out switches Nos. 3 and 4 at the head end of this Yard, leading to the Car Department rip tracks.

The Carrier states that on claim date the Mechanical Foreman at Texarkana assigned employees under his supervision to perform some cleaning or "housekeeping" procedures in the rip or repair track area. In connection with such cleaning, four Carmen were instructed to pick up paper and trash scattered along the repair track which had accumulated in connection with car repairs in this area. The trash consisted of paper, old waste, etc., and some of it had been blown against and along the repair tracks. The Carmen used a small rod to pick up the paper and the trash was picked up by hand and carried to trash barrels. The entire operation took from 20 to 30 minutes.

From the evidence of record, the Board finds that the clean-up job performed by the Carmen on the date of claim was not work that is performed exclusively by Maintenance of Way employees. For the reasons advanced in the Findings in Case No. 9, resulting in Award No. 30 of Special Board of Adjustment No. 280, 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
April 25, 1966