

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS

READING COMPANY

Award No. 18

Case No. 18

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by assigning District Gang at Trenton, New Jersey to erect a wooden cribbing at the rear of the Keystone Steel Company property located on the Trenton-Princeton Traction Company right of way between October 1 and October 15, 1959.
2. Carpenters: Lenz, Giuseppe, Giordano and Dellamonche, members of the Carpenters Gang located at Hopewell, New Jersey, now be paid the equivalent number of hours at their own respective carpenter rate of pay as was consumed by the District Gang in the performance of this work referred to above.

OPINION OF BOARD:

In October 1959, section laborers of the Trenton, N. J. district gang erected a crib along the right of way of the Trenton-Princeton Traction Company to support the side fill of a track. Approximately 80 scrap ties were used to erect this crib. The section laborers adzed, cut, fitted and nailed these ties into place. Contention is made by the Organization that work of this character belongs to carpenters in the Carrier's Bridge and Building Department. The particular carpenters for whom this claim is made are members of the B&B forces, being located at Hopewell, N. J. The laborers who performed the disputed work are part of the track forces.

The evidence shows that the track forces have erected cribbing along the Carrier's right of way at various points in order to prevent sloughing and bank erosion. Carpenters in the B&B forces have customarily erected all cribbing where such erection is required to support the track structure. The cribbing work performed by track forces has consisted almost entirely of laying, and occasionally adzing, of timbers but where cutting, fitting and nailing of crib timbers is involved, B&B carpenters have been assigned to perform this work except on rare occasions.

It is apparent from what has been said above that the work performed in the instant case was of the character which customarily had been performed by carpenters in the B&B forces. The Carrier states that the section laborers who erected the subject crib went beyond the requirements of the job when they performed cutting and nailing. Be this as it may, the section laborers performed work which by tradition has exclusively been assigned to carpenters. It must be assumed that this work was performed under the direction, or at least with the permission, of Carrier's supervision.

Since the track forces and the B&B forces are on different seniority rosters it must be held that work was improperly transferred from one seniority group to another in violation of the controlling Agreement. The subject claim will be sustained.

AWARD:

Claim sustained.

(s) Lloyd H. Bailer
Lloyd H. Bailer, Chairman

(s) A. J. Cunningham
A. J. Cunningham, Employee Member

(s) H. F. Wyatt, Jr.
H. F. Wyatt, Jr., Carrier Member

Philadelphia, Pa.,
March 17, 1961.