

— — —

[illegible]

AWARD IN DOCKET NO. 2

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement when, on April 19 and 20, 1955, it assigned other than B&B Carpenters to plank pits solid in the new roundhouse at DuBois, Pennsylvania.

(2) B&B Carpenters Sherman Horn, Clyde Kweder, W. A. Tankalavage and Richard J. Foley each be allowed sixteen (16) hours' pay, at their respective straight time rate, account of the violation referred to in part one (1) of this claim."

FINDINGS: Initially we must consider two procedural questions raised by the Carrier.

The first deals with the Third Party issue. We adopt here the same position we took in the Award in Docket No. 1.

The second questions the timely filing under Article V, Section 1 (c) of the August 21, 1954 Agreement. This question was likewise ruled on in the Award in Docket No. 1.

The claim before us charges Carrier violated the applicable agreement when "it assigned other than B&B Carpenters to plank pits solid in the new Round-house at DuBois, Pennsylvania."

Organization relies on letter of Carrier's Division Engineer that "the work consisted of cutting timber to length, notching a few boards to fit around joints, and laying the plank across the engine pit without fastening it down." (Underscoring theirs).

Photographs of the work, submitted in evidence, indicate clearly Carrier's assertion that "the planking lays on the sills of the pit." The flooring is not an integral part of the structure of the roundhouse. It is more in the nature of scaffolding. The entire section is free of any attachment to the building itself. It is not permanently fastened to the building. None of the flooring is nailed down. It will be removed and replaced as conditions require."

In other words, Carmen stood upon this planking in the performance of some of their work; when necessary, the planking was removed and they descended into the pit to work on cars from that elevation.

From the record before us, we find no evidence to hold that the work in question was "carpentry x x x required in the construction and maintenance of railroad structures"; neither is there any proof that the work complained of was "to plank pits solid."

The claim will be denied.

AWARD

Claim denied.

(s) Edward A. Lynch
Edward A. Lynch
Chairman

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

(s) T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Md.,
this 28th day of March, 1960.