

SPECIAL BOARD OF ADJUSTMENT NO. 488

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

and

THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 67

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

(1) The Carrier violated the effective Agreement by assigning Tunnel Department employes to perform certain B&B work on Birdge. 38-A, on or about April 20, 1962.

(2) Furloughed B&B Department employes, Baltimore West End Division, Raymond K. Rollins, T. R. Wiltshire, M. B. Piniecki, I. E. Kulski, L. P. Kaminski, W. P. Doty, J. J. Livingston, J. J. Kaminski, D. K. Adams, W. C. Peregory, F. J. Pirchalski, A. P. Strykowski, G. A. Philips, W. B. Harris, H. S. Koontz, R. D. Rollins, M. R. Phillips and Earl Decker be now paid at their respective rates, for an equal proportionate share of all the time worked by these Tunnel Department employes on Bridge No. 38-A, from May 26th, 1962 and continuing until the violation of the Agreement ceased."

FINDINGS: The parties here are agreed that this claim commences so far as actual work is concerned, on May 29, 1962. On that date five men worked at the project for a total of 40 manhours cleaning joints, mixing mortar and pointing by hand. No further pointing by hand was performed until July 19, 1962.

During the period May 29 to July 19, 1962 time was consumed in drilling holes, cutting seats for and placing channel iron and cleaning joints. During the period July 19, 1962 to and including July 31, 1962 the work comprised the cleaning of joints, mixing mortar and pointing by hand.

Starting with August 1, 1962 joints were cleaned, scaffolding moved and material trucked and set up for guniting; and guniting actually commenced August 6. It is agreed that preparations for and actual performance of guniting commenced August 1, 1962 until the job was completed and camp moved on August 31, 1962.

In accordance with Rule 1(c), tunnel forces were properly used for guniting work from August 1, 1962 to August 31, 1962.

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2.

The Agreement was violated when Carrier used other than B&B forces for masonry and concreting work for the period May 29, 1962 to and including July 31, 1962, and the claim will be sustained to that extent.

AWARD: Claim sustained in accordance with Findings.

/s/ Edward A. Lynch  
Edward A. Lynch, Chairman

/s/ A. J. Cunningham  
A. J. Cunningham, Employee Member

/s/ W. B. Kohler  
W. B. Kohler, Carrier Member

Dated at Baltimore, Maryland,  
this 29th day of June, 1965.