

SPECIAL BOARD OF ADJUSTMENT NO. 541

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

ERIE LACKAWANNA RAILWAY COMPANY

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by rearranging its welding forces as of September 1963 in such a manner as to eliminate the Eastern District Foreman position, assigning one single Welding Foreman for the entire System, New York to Chicago, thus, increasing the duties and responsibilities of the existing Leading Welders, without proper compensation being paid to them.
2. The 3 Leading Welders, John Sheets, Jr., C. E. Gregory and R. W. Hugaboon, Eastern District, be now paid the difference between what they received at the Leading Welders rate of pay and what they should have received at the Welder Foreman rate of pay from Sept. 10, 1963 until such time the violations referred to are corrected.
3. The 4 Leading Welders, E. C. Shoemaker, K. Shepard, J. A. Morr, Jr., and R. L. DeVore, Western District, be now paid the difference between what they received at the Leading Welders rate of pay and what they should have received at the Welder Foreman's rate of pay from September 10, 1963 until such time the violations referred to are corrected.

FINDINGS: The Critical question is whether lead welders are required to perform significant duties of foremen. The record indicates that there are seven crews, each consisting of one lead welder and one helper and that all fourteen employees are under one foreman. Formerly, there had been two foremen and four crews. It also appears that some of the lead welders work at times directly under the Division Engineer, have little working contact with the Welder Foreman and are required to send time and distribution reports to the Accounting Department, a function previously performed by foremen, and to prepare requisitions and other written reports.

While these facts indicate that the leaders' duties have been increased to some extent, the record does not establish that their responsibilities and authority have been expanded to such a degree that they should receive foreman's rather than lead welders' pay. Indeed, Claimants are receiving leaders' rather than welders' pay only because they are called upon to perform some supervision and to prepare time slips and written reports of material requisitions and related matters. See Third Division Award 7835.

In our view, the evidence does not justify a finding that the authority and functions of lead welders have been so broadened as to entitle them to foreman's status and pay. The claim accordingly, will be denied.

AWARD: Claim denied.

Adopted at New York, N.Y. this 29th day of October 1968.

/s/Harold M. Weston  
HAROLD M. WESTON, NEUTRAL

/s/A. J. Cunningham  
Employe Member

/s/R. A. Carroll  
Carrier Member