

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

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

- (1) The Carrier violated the effective Agreement beginning on or about September 3, 1957 when it assigned section foremen and section laborers to operate two on-track weed mowers on the Memphis Division instead of bulletining and assigning such on-track mower operator's position and work to employees holding seniority as Roadway Machine Operators.
- (2) Roadway Machine Operators Ananias Powell and B. G. Goade each be allowed eight hours' pay at the straight time roadway machine operator's rate for each day beginning with September 3, 1957, on which section forces, instead of Roadway Machine Operators, were used to operate on-track mowers, claim to continue until such positions are bulletined and assigned to Roadway Machine Operators.

FINDINGS: It has been the practice to assign a roadway machine operator to operate the motor car pulling weed mowers, but commencing September 3, 1957, the Carrier assigned section foreman and section laborers to operate on-track weed mowers over the Memphis Division without assigning a roadway machine operator to the operation of the motor car. Where such equipment is operated over more than one section it appears that the Carrier is obligated to assign a roadway machine operator to operate the motor car.

It further appears that claimant Powell should have been assigned as such roadway machine operator on the Latour Subdivision and that claimant Goade should have been assigned as roadway machine operator on the Paragould Subdivision. Thus their respective claims should be sustained for the days such equipment was operated upon those respective subdivisions on and after September 3, 1957, less earnings in other classifications on such days.

AWARD: Claim sustained in accordance with the Findings.

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(s) Dudley E. Whiting
Dudley E. Whiting - Chairman

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

(s) G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
July 17, 1959