

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

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

(1) The Carrier violated the effective Agreement when it required Section Foreman E. L. Ford and Section Laborers J. H. Hartsell, E. Goodbar, D. A. Thomas and W. M. Bearce to perform work which belongs to and comes under the jurisdiction of the Signal Department on September 5 and 9, 1957 and failed and refused to compensate them therefor at applicable Signal Department rates of pay;

(2) For the services referred to in Part (1) of this claim, Section Foreman E. L. Ford be allowed the difference between what he was paid at the Section Foreman's rate and what he should have been paid at Signal Foreman's rate and that Section Laborers J. H. Hartsell, E. Goodbar, D. A. Thomas and W. M. Bearce be allowed the difference between what they were paid at Section Laborer's rate and what they should have been paid at Signal Helper's rate.

FINDINGS: It appears that the claimants were assigned on September 5, 1957, to flag for and perform some labor such as trucking of supplies for signal employes engaged in the installation of new signals because of the relocation of a highway. On September 9 they were assigned to remove from the right-of-way and bury the old concrete signal foundations.

It does not appear that the work performed by them constituted signal work because it is the function of section gangs to remove debris from the right-of-way and that constituted most of the work performed for which the claim is filed. Similarly it cannot be said that the flagging and labor work performed on September 5 was signalmen's work.

AWARD: Claim denied.

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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
June 5, 1959