

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 Agreement when, in lieu of assigning Water Service forces to excavate and backfill for sewer repair work at Poplar Bluff, Missouri, it assigned such work to a carpenter crew consisting of a B&B foreman, an Assistant B&B Foreman, a motor car operator and a number of carpenters.

(2) Furloughed Water Service Repairmen C. G. Mitchell and M. E. Eaton and furloughed Water Service Helper Leo Enlow each be allowed pay at their respective straight time rates for an equal proportionate share of the total man hours consumed by the carpenter crew in performing the work referred to in Part (1) of this claim.

FINDINGS: The claim involves excavation and cribbing commencing October 9, 1957, at Poplar Bluff. It appears that about one year prior thereto Water Service employes started excavating and cribbing on this same sewer line, which is located in quicksand, and were unable to accomplish the work so it was necessary then to call in Bridge and Building forces to perform it.

Under those circumstances the carrier on this occasion assigned Bridge and Building forces to excavate and crib the necessary excavation. Water Service forces then repaired the sewer and the same Bridge and Building forces removed the cribbing and made the backfill. The excavation of necessity was 15 feet deep in unstable soil areas.

Under the circumstances we find no violation of the agreement because Water Service forces had demonstrated their inability to properly excavate and crib the excavation on a prior occasion and there was no obligation upon the carrier to divide the excavation work from the cribbing work. Accordingly we find the claim without merit.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(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