

AWARD NO. 36
Docket No. 36

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 by failing to assign senior available furloughed Bridge and Building Foreman Tony Walston to perform the work of B&B Foreman at Palestine, Texas, but instead assigned such Foreman work to the B&B Supervisor and others outside the Scope of the Agreement.

(2) The Carrier now compensate furloughed B&B Foreman, Tony Walston eight hours pay at the B&B Foreman's rate for each regular workday retro-active sixty days from July 30, 1958, until the Foreman's position is properly filled at Palestine or this violation of the Agreement is discontinued.

FINDINGS: On December 19, 1956, the B&B Yard Gang No. 6 at Palestine was abolished. One of the members of that gang was the Scale Carpenter who continued to work out of that point, and no objection can be raised because that is the normal way such a position operates. Some time later two carpenters from Gang No. 3 were assigned to work out of Palestine, primarily with the Bridge Inspector, and continued to be carried on the time rolls of Gang No. 3. Work with the Bridge Inspector is generally detached from the gang, wherever its headquarters, thus it does not appear that there was any necessity for maintaining or recreating a job of Bridge and Building Foreman at Palestine.

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
November 3, 1959