

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

READING COMPANY

Award No. 12

Case No. 12

STATEMENT OF CLAIM:

1. That the Carrier violated the effective Agreement on or about July 21, 1958 when it assigned to other parties the work of removing a cluster of piles at Pier "J" Port Richmond Terminal.

2. That the Foremen, Wharfbuilders, Carpenters and Helpers holding seniority rights to the performance of this work be now paid for the equivalent number of hours spent by the Contractors forces in the performance of this work.

OPINION OF BOARD:

In June 1958 inspection disclosed that a large pile cluster located some 60 feet offshore from Pier "J" at Port Richmond had been damaged and constituted a threat to navigation. The cluster (consisting of approximately 50 piles) had tilted, with the result that only one pile was visible above low water. Carrier decided it was necessary to remove the entire cluster as promptly as possible. The work was contracted out to J. E. Brenneman & Company. Carrier states this removal operation involved underwater cutting of steel cable wrapping and bolts, which required use of an underwater cutting torch and diving equipment by a skilled diver, plus the services of a derrick scow, none of which it possesses. The Organization contends the removal of the pile cluster was work reserved to employees covered by the Agreement, and thus could not be removed therefrom without mutual concurrence.

The construction and maintenance of piers at Port Richmond is work within the scope of the Agreement. Such covered work includes the construction and maintenance of piling at the piers. The evidence does not establish that M of W employees have performed offshore operations of the character here involved, however, Thus it must be concluded that the Carrier did not violate the contract in this instance.

AWARD:

Claim denied.

(s) Lloyd H. Bailer
Lloyd H. Bailer, Chairman

(s) A. J. Cunningham
A. J. Cunningham, Employe Member

(s) H. F. Wyatt, Jr.
H. F. Wyatt, Jr., Carrier Member

Philadelphia, Pa.
June 26, 1959.