

SPECIAL BOARD OF ADJUSTMENT NO. 265

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

READING COMPANY

Award No. 34

Case No. 34

STATEMENT OF CLAIM:

1. The Carrier violated the effective agreement when on Thursday, January 19, 1961, it relieved Section Foreman M. Nieberger and Section Laborer C. Whalen from snow duty at 11:30 p.m.
2. The Carrier violated the effective agreement when on February 3, 1961, it relieved laborers Steffy and Fisher from snow duty at midnight.
3. That Section Foreman Nieberger and C. Whalen be now compensated for seven and one-half hours of pay at their respective double time rate up to the starting time on January 20, 1961, and the difference between their straight time rate of pay and the time and one-half rate of pay for eight hours on January 20, 1961.
4. Laborers Steffy and Fisher now be compensated for seven hours pay at their double time rate for the time they were not permitted to work the early morning of February 4, 1961.

OPINION OF BOARD:

This claim is based on the fact that on the specified dates the Carrier relieved the complaining section foreman and track laborers from snow duty after they had worked a number of hours beyond their regular quitting time. The snow removal task was continued by other employees who do not belong to the section forces.

We agree with the Organization that the work in question is the type that normally belongs to section men. Under the circumstances that prevailed on the instant dates, however, we are of the opinion that the Carrier acted properly by relieving the claimants for rest so that they would be in condition to resume snow cleaning duty the following morning. A period of rest was clearly called for since there was much more snow cleaning work for the claimants to do beginning with their next scheduled reporting time.

The facts of this case comprised a justifiable exception to the work jurisdiction of the claimants.

AWARD:

Claim denied.

(s) Lloyd H. Bailer

Lloyd H. Bailer, Chairman

(s) A. J. Cunningham

A. J. Cunningham, Employee Member

(s) H. F. Wyatt, Jr.

H. F. Wyatt, Jr., Carrier Member

Philadelphia, Pa.,
January 29, 1963.