

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

READING COMPANY

Award No. 44

Case No. 44

STATEMENT OF CLAIM:

1. The Carrier violated the effective agreement by assigning or permitting Deck Hands employed by the American Dredging Company to take dredging-soundings on the North Side, Pier "B", Port Richmond, December 30, 1961, January 1 and 2, 1962.
2. Wharfbuilder Teddy Maminski be now paid an equivalent number of hours as were spent by these Deck Hands in performing this referred to work.

OPINION OF BOARD:

The periodic taking of soundings at the Carrier's piers at Port Richmond is recognized as work coming under the scope of the controlling Agreement and the record indicates that in the past such work has always been performed by the wharf-builders. However, the taking of soundings in this instance was performed in connection with the dredging work that was properly contracted to the American Dredging Company and it was the responsibility of that firm to know that its dredging activity had been properly performed and completed.

The use of the Carrier's wharfbuilder, Alex Brunner, to oversee the instant soundings was proper and there was no requirement that the Carrier also utilize wharfbuilder Maminski in connection with these soundings. There was no violation of the Agreement under the subject circumstances.

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.