

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
vs.
READING COMPANY

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement when on January 14 and 15, 1964, it released both the Inspection Gang Foreman and the Maintenance Gang Foreman at Park Junction while continuing to keep employed two Maintenance Gang Laborers and one Inspection Gang Laborer cleaning snow from switches.
2. Alfred Paris, Maintenance Gang Foreman at Park Junction be now paid 3-1/2 hours at the time and one-half rate; 7-1/2 hours at the double time rate; and the difference between the straight time and time and one-half rate of pay for the period 8:00 A.M. to 3:30 P.M. on January 15, 1964.

OPINION OF BOARD:

In the subject instance the Carrier retained two Maintenance Gang Laborers and one Inspection Gang Laborer on overtime from 8:30 P.M. on January 14, 1964 until 3:30 P.M. on January 15, 1964, to accompany various traveling switchers in order to clear drifted snow from switches. However, both the Maintenance Gang Foreman and the Inspection Gang Foreman, who normally supervised these Laborers, were sent home at 8:30 P. M. on January 14, 1964. Claim is made in behalf of the Maintenance Gang Foreman, Alfred Paris, for the overtime hours worked by these Laborers. Claimant Paris worked his regular schedule beginning at 7:00 A.M. on January 15, 1964.

The record discloses that during the overtime hours in question, each of the three Laborers traveled on a different engine and worked at different locations in snow removal work which they previously had been doing on the same day. It would not have been practicable for the Claimant Foreman to instruct or supervise these Laborers under such conditions. This was not a situation where the gang, or part of the gang, was performing work as a unit-- in which case the Foreman's supervision would have been required.

AWARD: Claim denied.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Chairman

/s/ A. J. Cunningham
A. J. Cunningham, Employee Member

/s/ V. W. Bigelow
V. W. Bigelow, Carrier Member

Philadelphia, Pa.
June 28, 1966