

C O P Y

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 366

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)	Case No. 21
and)	Award No. 21
Southern Pacific Lines in Texas and Louisiana)	
(Texas and New Orleans Railroad Company))	

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement by assigning employees not covered by the Scope of the Agreement to the operation of Jackson Maintainer X-3 at Navasota on September 17, 1960.

(2) That Roadway Machine Operator W. E. Allen, Dallas-Austin Division, be now compensated for 8 hours pay at time and one-half of his respective rate of pay for Saturday, September 17, 1960, account of the violation of the Agreement referred to in part 1 of this claim.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

The Organization states that on September 16, 1960, the work of the Jackson Maintainer X-3 having been completed at Melissa, Texas, the Carrier ordered the machine loaded into a truck trailer and transported over the highway 232 miles to work at Navasota. When the Jackson Maintainer arrived at Navasota, the Carrier required the traveling mechanic and water service employees to unload this machine. The Organization states that the traveling mechanic and water service employees are not covered by the scope of their agreement but are covered under the Shop Crafts Agreement. These employees reported for work Saturday, September 17, 1960, to unload the machine.

The Board finds that the unloading of the Jackson Maintainer X-3 is not the exclusive work of the operator of the machine; therefore, this claim will be denied.

AWARD: Claim denied.

(s) Thomas C. Begley
Thomas C. Begley, Chairman

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

(s) L. C. Albert
L. C. Albert, Carrier Member

Dated at Houston, Texas
December 17, 1962.