

SPECIAL BOARD OF ADJUSTMENT NO. 488

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 3

STATEMENT "Claim of the System Committee of the Brotherhood that:
OF CLAIM:

The Carrier violated the effective agreement by failing to pay certain specified trackmen the difference between their trackman's rate of pay and carmen helper's rate of pay for work performed at Cassell, Ohio, on March 15 and 16, 1960.

That Trackmen W. E. Gibbons, J. J. Ramsey, and R. D. McBee be now compensated for the difference in rates referred to for eight hours each account of work performed on March 15, 1960, at Cassell, Ohio.

That Trackmen J. J. Ramsey, R. E. McBee, and L. F. Watson be now compensated for the difference in rates for five hours each account of work performed on March 16, 1960 at Cassell, Ohio.

FINDINGS: While the work here involved was not customary car repair work in the normal manner, it was such that the car involved was made useable, and its cargo was carried to its destination with slight delay.

However, because the Organization concedes (Tr. p. 238) that the longer and harder portion of the job was the moving and handling of the twenty aluminum blocks weighing 1500 pounds each, and the shorter job was the placing of the ties to cover the hole in the floor of the car, we must view the facts in their logical sequence: (1) the aluminum blocks had to be moved; (2) the ties had to be set in place to cover the hole in the floor of the car and (3) the aluminum blocks had to be replaced atop the ties.

The Organization claims (Tr. p. 222) that the entire job took "eight hours the first date and five hours the second date."

That being true, it is only common logic to conclude that the major portion of the work being performed on the first day of eight hours, and again within the first five hours of the second day, the phase of the work giving rise to this claim--the placing of the ties to cover the hole in the floor of the car -- could not have preponderated on either day, as required under Rule 28 and Award No. 12 of Special Board of Adjustment No. 287.

Accordingly, a denial award is required.

AWARD

Claim denied in accordance with Findings.

(s) Edward A. Lynch
Edward A. Lynch, Chairman

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

(s) T. S. Woods
T. S. Woods, Carrier Member

Dated at Baltimore, Md., this 26th day of March, 1963.