

SPECIAL BOARD OF ADJUSTMENT NO. 488

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

AWARD IN DOCKET NO. 34

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

1. The carrier violated the Agreement by assigning to the Koppers Company work belonging to the B&B employees at the Green Spring Framing Plant, Green Spring, West Virginia commencing April 21, 1961 and continuing.

2. Furloughed B&B employees Dale Schaidt, Donald L. Carder and John House and Niel Bender be now compensated 8 hours pay for each work day beginning April 21, 1961 and continuing that, the employees of the Koppers Company performed this referred to work."

FINDINGS: It is the Organization's contention that at Green Springs, West Virginia the Carrier maintains a Framing and Timber Treating Plant where timber materials for the construction and maintenance of Carrier's facilities are cut and framed according to specifications; that such timber is later used in repairing and maintaining the Carrier's structures; that when the framing and fitting work is completed by the B&B employees the timber is then turned over to the employees of the Koppers Company, which occupies one part of this same building and is under contract to the Carrier to perform the treating of the timber by the creosote method using its own employees. It is Organization's further contention that "all work at this plant is performed by the B&B employees except the treating of the timber by the creosote method."

In 1961 the Carrier decided to reclaim and retreat cross ties removed from various divisions where trackage was being removed.

Agreement was reached with the Koppers Company to install in its Green Spring treating plant the machinery necessary to handle, sort, adze and treat these second-hand ties. Whatever framing was required before treatment was done by B&B employees at the Woodworking Mill.

The Organization's claim here is that the Carrier violated the Agreement by turning over to Koppers Company employees all the work of handling these ties, unloading same; framing and adzing them and getting them in proper shape to be handed over to the Koppers Company for the recreosoting job.

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Carrier states flatly that adzing was an integral part of the reclamation of the ties; and handling and adzing of second-hand cross ties as a part of retreatment has never been considered a part of B&B work.

Carrier presented to this Board as a witness J. T. Collinson, Assistant Chief Engineer-Maintenance. He was not only familiar with the instant claim; he had first-hand knowledge of the reclamation of ties.

The sum and substance of Mr. Collinson's testimony is that the Green Spring Plant is owned and operated by the Koppers Company; that none of the work here complained of has been performed by Carrier's B&B forces, and that the plant serves not only this Carrier but other Carriers as well.

In seventeen pages of transcript, covering direct and cross-examination Mr. Collinson proved beyond doubt that Carrier's action did not violate the Agreement.

A denial award is required.

AWARD

Claim denied.

(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 28th day of August, 1963.