

SPECIAL BOARD OF ADJUSTMENT NO. 488

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

AWARD IN DOCKETS NOS. 39 and 47

STATEMENTS
OF CLAIM:

"Claim of System Committee that:

DOCKET NO. 39 - "1. The Carrier violated the effective Agreement by failing to assign painters Sebastin Russo and Frank Flagello to work of painting truck guide lines at the Carrier's Pier 63, North River, and Freight House No. 4, New York, on Saturdays, November 18 and 25, 1961.

2. That the Carrier shall now compensate Painters Sebastin Russo and Frank Flagello for two days pay each at their time and one half rate account of this violation of the Agreement."

DOCKET NO. 47 - "1. The Carrier violated the effective Agreement by failing to assign painters Sebastian Russo and Albert Cote to the painting of truck guide lines at Pier 63, North River, and Freight House No. 4, New York on March 10 and 24, 1962.

2. That Sebastian Russo and Albert Cote painters, be now compensated two days pay each at their respective pro rata rates on account of this referred to violation of the Agreement."

FINDINGS: The properties involved in this claim are Pier 63 and Freight House No. 4. They are owned by the City of New York, and are leased to this Carrier, and, for some years, have been subleased to the ABC Freight Forwarders. The sub-lessee was operating the facilities at the time these claims arose.

The work made subject of these claims is the painting of guide lines on the floor of the building and pier around freight storage areas and delineating corridors to be kept open for the movement of platform trucks. Carrier asserts during the period involved in these claims, methods of procedure and operation were often changed by the ABC Company before a set pattern was arrived at.

Such painted lines are used not only as a guide for depositing and storing loads, but as a guard against pilferage.

The painting complained of was performed by ABC employees. While it is true that Maintenance of Way employees have, according to this record, done this painting on all previous occasions, it is also true that the type of painting involved is operational painting and not painting required in the preservation of a structure.

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The nature of the painting involved is identical with that covered by Third Division Award No. 7959 involving these same parties which held that this particular type of painting does not belong to Maintenance of Way employees to the exclusion of all other classes or crafts.

We will follow Award 7959 and issue a denial award here.

AWARD

Claims 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, Maryland,
this 28th day of August, 1963.