

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30030
Docket No. MW-29304
94-3-90-3-213

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company (former
(Missouri Pacific Railroad Company)

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

- (1) The Agreement was violated when the Carrier permitted junior employees instead of Trackmen H. L. Barber, R. Norman and G. K. Mitchell to perform 'extra' work on Gang No. 9415 at the Panel Plant beginning January 4, 1989 and continuing (Carrier's File 890177 MPR).
- (2) As a consequence of the aforesaid violation, Messrs. H. L. Barber, R. Norman and G. K. Mitchell shall each be allowed eight (8) hours of pay per day at the trackman's rate beginning January 4, 1989 and continuing until the violation is corrected."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On January 4, 1989, following the abolishment of their positions due to a force reduction, furloughed Claimants sought to displace Trackmen junior to them who were performing extra work at the Panel Plant in North Little Rock, Arkansas. Their request was denied and a claim was filed upon their behalf.

This Board, as well as others, have concluded that the displacement rights afforded to bargaining unit members by Rule 2(f) of the parties' Agreement pertain only to regular assignments held by junior employees. (See Third Division Award 30031, as well as Awards No. 425 and 426 of Public Law Board 279.) As a consequence, this claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 17th day of February 1994.