

PUBLIC LAW BOARD NO. 5606

**PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
) DIVISION OF THE INT'L BROTHERHOOD OF TEAMSTERS
 TO)
DISPUTE) SPRINGFIELD TERMINAL RAILWAY COMPANY**

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- 1. The Carrier violated Article 4 of the Agreement when it unilaterally assigned Zone 3 Seniority to Work Equipment Repairman G. Batchelder.**
- 2. As a consequence of the violation referred to in Part (1) above, the Carrier shall list Mr. Batchelder to the System Seniority Zone 2 as he requested on his Seniority Zone Declaration Form effective August 3, 2010. (Carrier File MW-10-07)**

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

The dispute at issue involves argument much the same as that presented by the parties in Case No. 77 (Award No. 77) concerning the application of Article 4 and Article 6.4(1) of the rules Agreement in the selection or designation of a work zone in a System Seniority Zone.

As in Case No. 77 (Award No. 77), Claimant in the instant case, under date of August 3, 2010, submitted a Zone Declaration Form to the Personnel Officer in the Carrier's Engineering Department, requesting that under Article 4.3(c) that he be placed in a particular work zone. Although the form as submitted appears to have selected both Zones 2 and 3 (Zone 2 has an "x" through it and Zone 3 has a "check-mark" through it), it is evident from the record as presented that Claimant was in fact requesting placement in System Seniority Zone 2.

Claimant's request was not approved by the Carrier. In this respect, the Carrier noted, as in Case No. 77, that there is no Work Equipment Department in Zone 2; the Claimant never worked in that zone, he was not hired in that zone, and did not then reside in that zone.

In overall study of the record, and for the same reasons as set forth by the Board in its Findings in resolution of Case No. 77, we find no reason to sustain the claim. The Board will, however, as in Case No. 77, direct that should Claimant not want to be assigned to Zone 3 as designated by the Carrier that he be given the right to submit another Zone Declaration Form pursuant to the hardship provisions of Article 4.3(c).

AWARD:

Claim disposed of as set forth in the above Findings.



Robert E. Peterson
Chair & Neutral Member



Anthony F. Lomanto
Carrier Member



Kevin D. Evanski
Organization Member

North Billerica, MA

Dated 7/27/12