

PUBLIC LAW BOARD NO. 1279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

-and-

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY
(R.D. Timpany, Trustee)

STATEMENT OF CLAIM:

1. The Carrier violated the provisions of the Protective Agreement of February 17, 1966 and the Agreements of March 19, 1969 and December 17, 1970, when at close of work on November 28, 1972, it abolished the positions of certain protected Track and B&B employees listed as follows:
(See Attachment "A")
2. Carrier shall return these protected employees, as named, to Carrier's service and compensate them for all monetary losses sustained, due to Carrier's violation of these referred-to Agreements. And additionally, all other employees adversely affected.

OPINION OF BOARD:

All of the furloughed employees covered by this claim were recalled by the Carrier in early 1973, and additional employees were hired. The record discloses that Carrier failed to comply with its contractual commitments with the Organization in connection with the subject furlough action but the evidence is insufficient to permit the Board to now fashion a detailed remedy. This case is therefore remanded to the parties for the development of such facts as are necessary for the determination of the appropriate remedy. If the parties are unable to arrive at a settlement on the remedy question, the matter shall be returned to the Board for resolution of this portion of the dispute.

AWARD:

The award is as stated in above Opinion of Board.

Lloyd H. Bailer
Lloyd H. Bailer, Chairman

J. R. Walsh
J. R. Walsh, Carrier Member

A. J. Cunningham
A. J. Cunningham, Employee Member

Adopted - March 15, 1974 - Newark, N.J.

MW-856
PLB 1279
Award 1

Attachment "A"

C.N.J. Central Division

Track Dept.
John Cittadino
Willie Christmas
George Johnson
Jerome Shapiola
Mossis Lee
Finard Caldwell
George Rich
Avan Fields
Joseph Puchoski
Kenneth James
Henry Cooper
Jimmie Slaton
John Timmons
Thomas Brown
Oliver Mitchell
Willie Taylor
Bailey Stokley
Nicholas Parenti
Slade Fayson
Richard Washington

Track Dept. Cont.
Harry Creager
Edward Thomas
Joseph McDaniels
Elarger Colding
Joseph Gage
John Mutz
John Steele
Philip Ladson
John McGhee
Rosendo Rodriguez
Peter Starinsky
Booker Wilson
B&B Dept.
Donald Dorr
Joseph Montagnino
Vincent Satkowski
Leonard Mandel
Henry Jackson
Charles Apgar
Richard Gonsiewski
Francis Dolan

C.N.J. Southern Division

Edward Henry
Daniel Jackson
Milton White
John Bossick
Donald Wooten

N.Y. & L.B. Railroad

Samuel Pappa
Eugene Bentley
Charles Styles
Robert Coy
Foster Cranshaw