

PUBLIC LAW BOARD NO. 1760

Award No. 75

Case No. 75

Docket No. FTW-85-38

Parties Brotherhood of Maintenance of Way Employes  
to and  
Dispute Norfolk and Western Railway Company  
(Former Wabash)

Statement

of Claim: Claim on behalf of Chris Cagnet, Michael Fryman,  
K. D. Evans, Shawn Carroll, Dennis Hughes, Edward C. Bedford,  
Emanuel Turner, Steve McCulloch, Doug Barker, Steve  
Jannings, R. A. Helsel, John Williams, Steve Haggenjos and  
Joe Zalecki for 8 hours each at the applicable straight time  
rate on October 14, 1986.

Findings: The Board has jurisdiction of this case.

The fourteen Claimants are Machine Operators on Tie Gang T-8,  
who, on October 14, 1986, were residing in camp cars and working at  
various points on the Ft. Point, Wayne Division.

The Organization claims:

"On October 14, 1984, Tom King, Supervisor of Tie Gang, on  
the Fort Wayne Division, refused to allow Machine Operator to  
work on that said date due to it raining in which these  
employees are assigned to a bunk car and they were not  
allowed pay..."

Carrier asserts:

"...on the morning of October 14, 1986, it was raining so  
hard that the Supervisor, Assistant Manager System Gangs, T.  
King, canceled work prior to the gang's 7:00 A.M. starting  
time."

On the record before the Board, the Employees are covered by Rule  
1, in part, reading:

"These rules govern the rate of pay, hours of service and  
working conditions of all employees in the track sub-  
department and bridge and building subdepartment of the  
Maintenance and Way Structure Department listed in this  
rule..."

and Rule 23, Hours Paid For, reading:

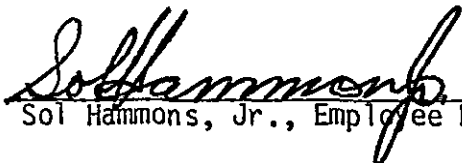
"...Time lost due to inclement weather shall not be regarded  
as a violation of this rule."


When less than eight (8) hours are worked for convenience of employees, ..., or when due to inclement weather, interruptions occur through regular established work, preventing eight (8) hours work, only actual hours worked or held for duty will be paid for..." (underscoring added)


Clearly do not support this claim. No work was performed. The Claimants were not permitted to go to work. That's a proper management decision.

The facts herein are similar to those in Third Division Award 12689 wherein a monthly rated foreman was paid actual time when inclement weather canceled work and that claim was denied. We likewise deny these claims. Management determines whether work should be performed. See Third Division Award No. 17193.

Award: Claim denied.

  
Sol Hammons, Jr., Employee Member

  
J. Abbate, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

MAY-24-91  
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