

Award No. 26  
Case No. 26

Public Law Board No. 2203

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Consolidated Rail Corporation

STATEMENT  
OF  
CLAIM:

1. Carrier violated the Rules Agreement effective April 15, 1944, as amended, when, on April 4, 1977, Welder John Bush performed a Trackman's duties of gauging and replacing ties at Tracks 14, 22, 28, 54, 56, Oak Island, New Jersey, from 7 a.m. to 3:30 p.m. each day April 4, 5, 6, 7, 11, 12, 13, 14 and 15, 1977.
2. As a result of such violation, claimant Kenny Williams be compensated one day's pay at the Trackman rate for each day the violation occurred.

FINDINGS:

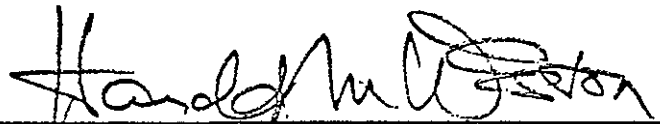
The disposition of this case is also governed by the reasoning set forth in our Award 24. While in that case a foreman performed the work in

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question and here a welder was used to handle it, the applicable principles are the same. Each of the employees involved, including the claimants, are in the same bargaining unit and covered by the same collective bargaining agreement. Neither the rules nor practice contains any prohibition against the performance of such duties by a welder or a foreman and there is no evidence that either of those employees have been called upon excessively to gauge tracks.

AWARD: Claim denied.

Adopted at Philadelphia, Pa., August 14, 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member