

PUBLIC LAW BOARD NO. 2452

PARTIES Brotherhood of Maintenance of Way Employees
TO
DISPUTE: and
Western Maryland Railway Co.

STATEMENT Claim on behalf of Production Foreman C. S. Day for
OF CLAIM: ten (10) hours' overtime on June 25, 1978 account
Line Foreman S. D. Dunkins called one of Mr. Day's
machine operators (R. F. Ford) for overtime service
at derailment Fort Ritchie Crossing on June 25, 1978.

FINDINGS: By reason of the Agreement dated June 14, 1979, and
upon the whole record and all the evidence, the Board
finds that the parties herein are employe and carrier within the
meaning of the Railway Labor Act, as amended, and that it has
jurisdiction.

The conference issue raised here is comparable to the
same issue raised in Docket No. 2 and discussed in Award No. 2.
For the reasons stated in Award No. 2, this issue is resolved
in favor of the Carrier.

A derailment occurred on the claim date. Foreman S. D.
Dunkins and his gang were properly called for the emergency.
Later, Foreman Dunkins determined that he needed a machine operator.
He called Machine Operator R. F. Ford a member of Claimant's gang.
Employees contend that Claimant should have been called and assigned
together with Ford.

No rule has been cited that requires Carrier to assign
more Foremen to a job location than Carrier feels are necessary.
Nor is any rule cited which requires the Foreman of a gang be
called whenever an employe of that gang is required in an
emergency situation. Normally, if a gang is called, the Foreman

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of that gang receives the call, assigns the gang, accompanies it to the work site and, of course, supervises its work. That is not the case here. Dunkins required only one employe, a Machine Operator. No additional supervision was necessary.

Upon this record, the Board finds that the Carrier did not violate the Agreement and that the claim has no merit.

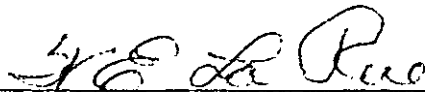
AWARD

Claim denied.

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DAVID DOLNICK, Chairman and Neutral Member


W. C. COMISKEY, Carrier Member


WILLIAM E. LA RUE, Employe Member

DATED: April 16, 1980