

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

1. On the following list of dates, hours and respective number of employees assigned

(dates are from 4/29/68 to 5/31/68 and list of employees, numbers from 14 through 20 on these specific dates. Also, the accumulated number of hours worked on each date)

the Carrier violated the effective Agreement dated February 1, 1951 and pertinent section of the Merger Agreement of January 10, 1962 and on the dates listed above it assigned extra gang 600 from the former Buffalo Cleveland Division to work of laying rail at Fostoria, Ohio on the Ft. Wayne, Chicago Division.

2. That extra gang foreman K. Sullivan, assistant extra gang foreman A. Gary, cook R. D. Hull, assistant cook Warren Mann, laborers B. Allen, G. Salyer, R. Rinebolt, T. Jones, Ross Mowery, Glenn J. Taylor, Wayne Prenzlin, Joe Salyer, Russell Aldrich, Albert Rayle, Arvil Shepherd, A. Wood and James Jamison now be made whole at their respective rates of pay at prorata rate for an equal proportion of the hours shown in part 1 of this claim.

3. That in addition to claimants listed above that laborers R. Broneszewski and L. E. Boroff be made whole at their respective rates of pay at pro rata rate for an equal proportion of the hours shown in part 1 of this claim beginning May 1, 1968, excluding claimant Boroff from May 10, 13, 14, 20 and 27, 1968 and excluding claimant Broneszewski from May 13, May 20 and May 27, 1968. That in addition to the above also include laborer R. A. Teeter and that he be made whole at his respective rate at pro rata rate for an equal proportionate share of the hours shown for May 22, 23, 24, 29 and May 31, 1968.

OPINION OF BOARD:

The Carrier action which is the subject of the instant dispute has been taken before under similar circumstances without complaint. There appears to have been a technical violation of Rule 14 but, under the conditions that prevailed, no monetary award is appropriate.

AWARD:

Claim disposed of in accordance with Opinion of Board.

Lloyd H. Bailer
Lloyd H. Bailer, Chairman

E. G. Psolla
E. G. Psolla, Carrier Member

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

Dated: December 31, 1971