

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

1. The Carrier violated the provisions of our effective Agreement dated February 1, 1951, when it assigned a Wabash operator to operate a Steam Crane-Pile Driver and a Nickel Plate B&B employe to perform work as a Fireman at a bridge located at Michigan City, Indiana, on the IMC Division on November 27 through December 8, 1967.

2. The Carrier shall now reimburse Hoisting Engineer G. R. Blackerby eighty (80) hours at straight time rate and eighteen (18) hours at time and one half rate at his respective rate of pay and Steam Shovel Fireman Victor Baird eighty (80) hours at straight time rate and eighteen (18) hours at time and one half rate on the Steam Shovel Fireman's rate of pay for the above mentioned dates.

OPINION OF BOARD:

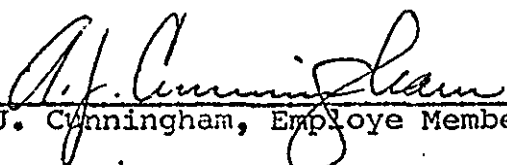
The decision in the present case is controlled by Award No. 4 of this Board.

AWARD:

Claim sustained, but only at straight-time rates of pay for the hours involved.


Lloyd H. Bailer, Chairman


E. G. Psolla, Carrier Member


A. J. Cunningham, Employee Member

Dated: July 13, 1971