

PUBLIC LAW BOARD NO. 5418

Case No. 47

Award No. 47

PARTIES

to

DISPUTE:

Brotherhood of Maintenance of Way Employees

-and-

Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“(a) Carrier violated the rights of Claimant R. Langdon under the provisions of Article 2, Section 2.3 of the current agreement when it assigned employees from another System Seniority Zone to perform work in the home System Seniority Zone of the Claimant while he was in a furloughed status.

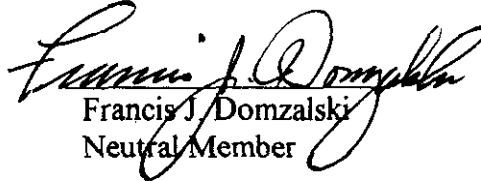
(b) Claimant Langdon shall be compensated a total of 24 hours at the Trackman’s Straight time rate and 8 hours at the overtime rate for this violation.”

FINDINGS: The claimant initiated 3 claims, alleging that he was denied work opportunity when the Carrier utilized Track Department employees to perform trackman duties in his work zone while he was furloughed. He contends that such action was in violation of Article 2 Intra-Craft Jurisdiction 2.3.. The Organization avers he has the right and requirement to cover work in his home zone.


The Carrier contends that the senior employees used in this case were Track Department employees, and as such, can perform any work accruing to the Track Department for which they are qualified to perform. To support their position, they point to the undisputed fact that during each winter season when dozens of Trackmen are furloughed, other Track Department employees (Foremen, Equipment Operators, Chauffeurs etc.) routinely perform trackman’s work without claim. Additionally, they state there are no agreement provisions that give the claimant any preference to the daily assignment of work.

Upon review of the parties' submissions and the established facts of this case, the Board finds no rule to support the Organization's claim. In this case, the Carrier simply used Track Department employees to perform trackman's work, which we find to be permissible under the existing agreement. Therefore, based on the facts presented, we find the claim to be without merit and it is denied.

AWARD: The claim is denied.


Francis J. Domzalski
Neutral Member


T. W. McNulty
Carrier Member


B. A. Winter
Organization Member

Dated: 8-26-2002