

BEFORE PUBLIC LAW BOARD NO. 6568

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

And

BANGOR & AROOSTOOK RAILROAD COMPANY

Case No. 1

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Agreement when it failed to bulletin positions on the system construction crew at Derby and when, after abolishing the system tie crew effective December 2, 1999, it failed to allow the system tie crew employees to exercise their seniority and instead force assigned said employees to work on the system construction crew at Derby beginning December 3 and continuing through December 30, 1999 and then failed and refused to pay said employees full expenses, including daily travel time and mileage, for such assignment.
2. The Carrier further violated the Agreement when, after abolishing Trackman R. Kennedy's position effective December 2, 1999, it refused to allow Mr. Kennedy to exercise his seniority to displace junior trackman on the Oakfield Section and instead force assigned him to work on the system construction crew at Derby beginning December 3 through December 30, 1999 and failed and refused to pay Mr. Kennedy proper expenses for such force assignment.
3. As a consequence of the violation referred to in Part (1) above, the system tie crew employees force assigned to work on the system construction crew at Derby shall now each be paid full expenses, including daily travel time and mileage, for each day they worked at Derby beginning December 3 and continuing through December 30, 1999 and the Carrier must bulletin the system construction crew positions.

mileage of one hundred ninety-two (192) miles at thirty-one (31) per mile and the (\$4.00) daily dinner allowance for each day he worked on the system construction crew at Derby beginning December 3 and continuing through December 30, 1999.

FINDINGS:

During the hearing, the parties reached a resolution of Case No. 1, which was therefore withdrawn.


JOAN PARKER, Neutral Member


CARRIER MEMBER

DATED: 2/27/03


ORGANIZATION MEMBER

DATED: 2-27-03