

PUBLIC LAW BOARD NO. 1279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

-and-

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY
(R.D. Timpany, Trustee)

STATEMENT OF CLAIM:

1. The Carrier violated the provisions of the Protective Agreement of February 17, 1966 and the Agreements of March 19, 1969 and December 17, 1970, when at close of work on November 28, 1972, it abolished the positions of certain protected Track and B&B employees listed as follows:
(See Attachment "A")
2. Carrier shall return these protected employees, as named, to Carrier's service and compensate them for all monetary losses sustained, due to Carrier's violation of these referred-to Agreements. And additionally, all other employees adversely affected.

OPINION OF BOARD:

All of the furloughed employees covered by this claim were recalled by the Carrier in early 1973, and additional employees were hired. The record discloses that Carrier failed to comply with its contractual commitments with the Organization in connection with the subject furlough action but the evidence is insufficient to permit the Board to now fashion a detailed remedy. This case is therefore remanded to the parties for the development of such facts as are necessary for the determination of the appropriate remedy. If the parties are unable to arrive at a settlement on the remedy question, the matter shall be returned to the Board for resolution of this portion of the dispute.

AWARD:

The award is as stated in above Opinion of Board.

PLB 1279

Lloyd H. Bailer
Lloyd H. Bailer, Chairman

J. R. Walsh
J. R. Walsh, Carrier Member

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

Adopted - March 15, 1974 - Newark, N.J.

Attachment "A"

C.N.J. Central Division

Track Dept.

John Cittadino

Willie Christmas

George Johnson

Jerome Shapiola

Morris Lee

Finard Caldwell

George Rich

Avan Fields

Joseph Puchoski

Kenneth James

Henry Cooper

Jimmie Slaton

John Timmons

Thomas Brown

Oliver Mitchell

Willie Taylor

Bailey Stokley

Nicholas Parenti

Slade Fayson

Richard Washington

Track Dept. Cont.

Harry Creager

Edward Thomas

Joseph McDaniels

Elarger Colding

Joseph Gage

John Mutz

John Steele

Philip Ladson

John McGhee

Rosendo Rodriguez

Peter Starinsky

Booker Wilson

B&B Dept.

Donald Dorr

Joseph Montagnino

Vincent Satkowski

Leonard Mandel

Henry Jackson

Charles Apgar

Richard Gonsiewski

Francis Dolan

C.N.J. Southern Division

Edward Henry

Daniel Jackson

Milton White

John Bossick

Donald Wooten

N.Y. & L.B. Railroad

Samuel Pappa

Eugene Bentley

Charles Styles

Robert Coy

Foster Cranshaw