

PUBLIC LAW BOARD NO. 1760

Award No. 75

Case No. 75

Docket No. FTW-85-38

Parties Brotherhood of Maintenance of Way Employes
to and
Dispute Norfolk and Western Railway Company
 (Former Wabash)

Statement

of Claim: Claim on behalf of Chris Cagnet, Michael Fryman,
K. D. Evans, Shawn Carroll, Dennis Hughes, Edward C. Bedford,
Emanuel Turner, Steve McCulloch, Doug Barker, Steve
Jannings, R. A. Helsel, John Williams, Steve Haggenjos and
Joe Zalecki for 8 hours each at the applicable straight time
rate on October 14, 1986.

Findings: The Board has jurisdiction of this case.

The fourteen Claimants are Machine Operators on Tie Gang T-8,
who, on October 14, 1986, were residing in camp cars and working at
various points on the Ft. Point, Wayne Division.

The Organization claims:

"On October 14, 1984, Tom King, Supervisor of Tie Gang, on
the Fort Wayne Division, refused to allow Machine Operator to
work on that said date due to it raining in which these
employees are assigned to a bunk car and they were not
allowed pay..."

Carrier asserts:

"...on the morning of October 14, 1986, it was raining so
hard that the Supervisor, Assistant Manager System Gangs, T.
King, canceled work prior to the gang's 7:00 A.M. starting
time."

On the record before the Board, the Employees are covered by Rule
1, in part, reading:

"These rules govern the rate of pay, hours of service and
working conditions of all employees in the track sub-
department and bridge and building subdepartment of the
Maintenance and Way Structure Department listed in this
rule..."

and Rule 23, Hours Paid For, reading:

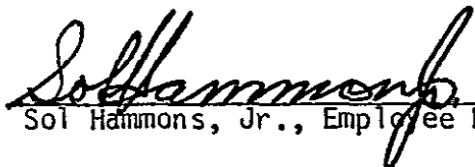
"...Time lost due to inclement weather shall not be regarded
as a violation of this rule."

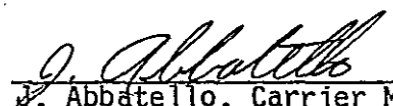
When less than eight (8) hours are worked for convenience of employees, ..., or when due to inclement weather, interruptions occur through regular established work, preventing eight (8) hours work, only actual hours worked or held for duty will be paid for... (underscoring added)


Clearly do not support this claim. No work was performed. The Claimants were not permitted to go to work. That's a proper management decision.

The facts herein are similar to those in Third Division Award 12689 wherein a monthly rated foreman was paid actual time when inclement weather canceled work and that claim was denied. We likewise deny these claims. Management determines whether work should be performed. See Third Division Award No. 17193.

Award: Claim denied.


Sol Hammons, Jr., Employee Member


J. Abbate, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

may-24-91
Issued ~~June 9, 1988~~