

AWARD NO. 73

CASE NO. 87

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement on December 31, 1978 and January 1, 1979, when failing to call Trackman Randy La Palme to perform overtime work at Little Lake, Michigan and instead called Brakeman William Shiner to perform this work. (System File 81-13-138)
- (2) Trackman Randy La Palme be allowed twenty-one (21) hours at his time and one-half rate of pay for violation referred to within Part One (10) of this claim.

OPINION OF BOARD:

Claimant was a regularly assigned Trackman at Ishpeming, Michigan, with seniority date of September 6, 1977. On December 31, 1978 and January 1, 1979 (rest day and Holiday) three Trackmen were needed to work a derailment at Little Lake, Michigan. Two of Claimant's fellow Trackmen were called but he was not. Instead Carrier used a Brakeman to do necessary Trackman work on the derailment.

The record shows that the clerk of the Roadmaster made the calls to the employees who worked the derailment. Claimant had on file with Carrier a telephone number for calls to emergency work. But the clerk did not bother to consult the Roadmaster's records, look up that number and call that number because he "knew" that Claimant recently had moved. Instead, the clerk

allegedly tried to track down through directory assistance a new telephone number for Claimant and, failing to do so, he called the Brakeman. In the facts of this record, we find that Carrier did violate Claimant's seniority rights. No attempt whatever was made to reach Claimant at the number he had furnished Carrier for emergency use. The clerk should have called that number listed by Claimant rather than assuming that Claimant could not be reached there. Had such an effort been extended and Claimant could not have been reached, Carrier would have avoided liability in this case.

FINDINGS:

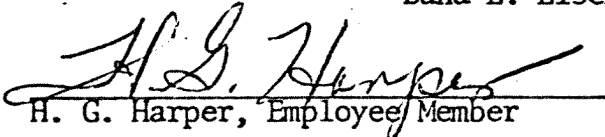
Public Law Board No. 1844, upon the whole record and all of the evidence, finds and holds as follows:

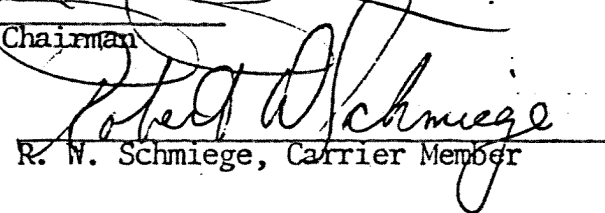
1. that the Carrier and Employee involved in this dispute are, respectively, Carrier and Employee within the meaning of the Railway Labor Act;
2. that the Board has jurisdiction over the dispute involved herein;
- and
3. that the Agreement was violated.

AWARD

Claim sustained. Carrier is to implement this Award within thirty (30) days of issuance.


Dana E. Eischen, Chairman


H. G. Harper, Employee Member


R. W. Schmiede, Carrier Member

Date: August 26, 1980

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