

Public Law Board No. 2363

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Seaboard System Railroad (former L&N Railroad)

STATEMENT  
OF  
CLAIM:

"Claim that Extra Gang 154, headquartered at Walton, Kentucky be furnished hand cleaner and paper towels and a tool house be built for employees to meet."

FINDINGS:

Extra Gang 154, established on April 4, 1984, was a stationary gang with Walton, Kentucky, its designated assembly point at the beginning and ending of each work day. Its mission was to rehabilitate the main line and sidings in and around the Walton area.

On August 31, 1984, the timbering portion of Extra Gang 154 was abolished. The surfacing portion of the Gang thereafter remained in operation until July 5, 1985, when it too was discontinued.

While the Gang was still in existence, Carrier complied with the request for paper towels and hand cleaner. It declined, however, "to build a tool house or some other assembly point at Walton" for the Gang, as Petitioner demanded.

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Rule 32(a), cited by Petitioner, reads as follows:


"Employees' time will start and end at established headquarters such as tool houses, camp cars, carpenter shops, etc., to be designated by the management. This does not contemplate the assignment of temporary headquarters for the purpose of reducing travel time to and from the established headquarters."


It was not consistent with the language just quoted to have Extra Gang 154 meet at a headquarters point located at a telephone booth or other unsheltered site. The employees in the Gang were plainly entitled to a headquarters "such as tool houses, camp cars, carpenter shops, etc." The quoted phrase manifestly refers to a structure sufficient to provide shelter. Nothing in Carrier's submissions provides a cogent argument to the contrary.

Carrier's contention that this Board lacks authority to issue a sustaining award in this situation is unpersuasive. Rule 32(a) was breached. Carrier is not required to construct a shelter; it is sufficient if some structure is provided as a headquarters shelter.

AWARD: Claim sustained to the extent indicated supra in Findings. To be effective within 30 days.

Adopted at Jacksonville, Florida, Dec. 19, 1985.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member