

PUBLIC LAW BOARD No. 2366

AWARD NO. 54

DOCKET No. 68

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

"That approximately 100 individuals performed work which comes under the scope of the labor agreement in violation of the agreed upon wage and seniority provisions."

OPINION OF THE BOARD

The Employer entered into agreements with approximately 100 individuals regarding training to learn track laborer work. Based upon those understandings, the Organization filed a claim.

The Organization asserts violations of its Scope Rule as well as the Seniority Rule and the Rule dealing with increases in forces.

The Carrier argues that it merely trained certain individuals under the presumption that they would be needed at a later time. Carrier denies that they did any maintenance of way work while in training.

The Board has considered the record at length and we are unable to find that the 100 individuals performed any maintenance of way work while they were training. Thus,

they would not have performed work which should have been performed by individuals on the furloughed list.

Certainly, should any non bargaining unit individual perform work covered by the Agreement, (whether it be training or otherwise), the Employees' claim would be considered in a different light. However, under the present record we are unable to sustain the Claim.

### FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

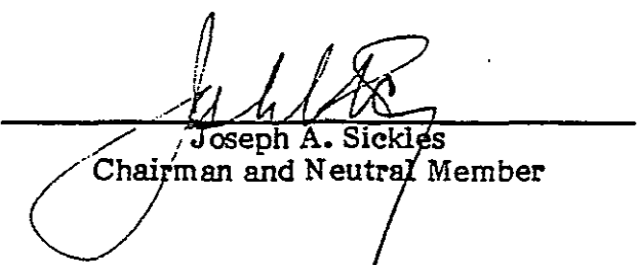
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

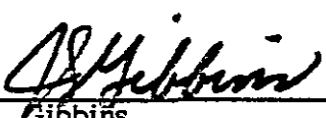
This Board has jurisdiction over the dispute involved herein.


The parties to said dispute were given due and proper notice of hearing thereon.

### AWARD

Claim denied.

  
Joseph A. Sickles  
Chairman and Neutral Member

  
J. S. Gibbins  
Carrier Member

  
H. G. Harper  
Organization Member

SEP 24 1984

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Date