

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

Claim of Section Foreman Carl Pando and other named employees on specified dates account Carrier abolishing positions on Section 17A, South Lorain, Ohio, and readvertising with different rest days to establish seven day operation.

OPINION OF BOARD:

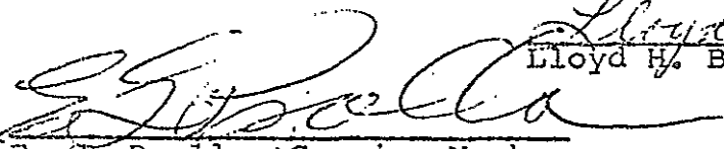
The record establishes that Carrier violated the Agreement by abolishing the Foreman's regular Monday through Friday position and readvertising it in kind. But since no claimant has been named for said violation, no monetary award need be considered. Carrier also violated the Agreement by establishing a combination relief position which involved the duties of a Foreman, Assistant Foreman, and Laborer. We will therefore award the employee assigned to that position pay at the time and one-half rate for all service performed on such position on each Saturday and Sunday covered by the claim. Carrier having shown sufficient need to establish seven-day positions, its action in doing so was within its proper managerial discretion. The balance of the claim therefore will be denied.

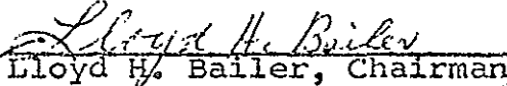
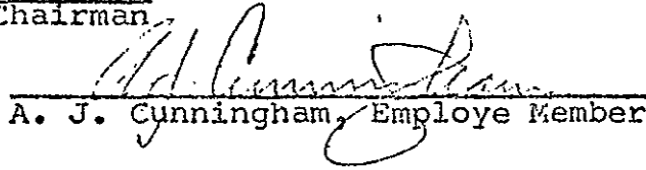
AWARD:

Claim disposed of in accordance with Opinion of Board.

ORDER:

Carrier shall comply with this award within 60 days of the date thereof.


E. G. Psolla, Carrier Member


Lloyd H. Bailer, Chairman

A. J. Cunningham, Employee Member

Dated: December 31, 1971