

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

1. On September 23, 24, 25, 26, 27 and 28, 1968, the Carrier violated the effective Agreement when it assigned Tamper Operators from the Muncie Division to operate tampers on the former Ft. Wayne-Chicago Division.

2. Claimants Foster Doster and Raymond Sharp, Jackson Tamper Operators, Ft. Wayne-Chicago Div. now made whole as follows;

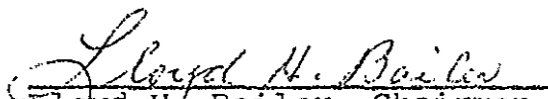
Sept. 23, 1968, 8 hours each at pro rata rate of pay
Sept. 24, 1968, 8 hours each at pro rata rate of pay
Sept. 25, 1968, 8 hours each at pro rata rate of pay
Sept. 26, 1968, 8 hours each at pro rata rate of pay
and 2 hours punitive rate of pay
Sept. 27, 1968, 8 hours each at pro rata rate of pay
and 2 hours punitive rate of pay
Sept. 28, 1968, 9 hours at punitive rate of pay.

OPINION OF BOARD:


Since no employees on the Fostoria District of the Ft. Wayne-Chicago Division were given an opportunity to perform the temporary work involved in this claim, Part 1 of the claim will be sustained. But in view of the unavailability of the named claimants, no monetary award is due.

AWARD:

Claim sustained to extent of Opinion of Board.


Lloyd H. Bailer, Chairman


E. G. Psolla, Carrier Member


A. J. Cunningham, Employee Member

Dated: December 31, 1971