

PUBLIC LAW BOARD NO. 2960

AWARD NO. 133
CASE NO. 226

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Chicago & North Western Transportation Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it required Claimant H. H. Sauer to travel from his residence near Adams, Wisconsin to Eau Claire, Wisconsin for a mandatory return to work physical without allowing him the appropriate automobile expense and travel time allowance. [Organization File 7PG-3135; Carrier File 81-87-90]

(2) Claimant H. H. Sauer shall now be allowed the appropriate automobile expense for the two hundred and forty (240) mile round trip from Adams, Wisconsin to Eau Claire, Wisconsin and eight (8) hours straight time at the trackman's rate."

OPINION OF THE BOARD:

This Board, upon the whole record and all of the evidence, finds and holds that the Employee and Carrier involved in this dispute are respectively Employee and Carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute involved herein.

Prior to April 27, 1987, the Claimant was furloughed but was recalled and instructed to report for a physical examination before returning to duty. He was directed to

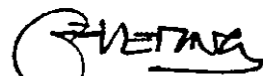
report for the examination at Eau Claire, Wisconsin. In previous years, the Claimant had been required to take return to work physical examinations at LaCrosse, Wisconsin. The Claimant resides at Adams, Wisconsin. The Claimant requested pay and mileage for the time and expense involved in traveling to and from Eau Claire, a fine city by most standards.

The Carrier noted in oral argument at the Board that they changed the traditional location for the Claimant because of a reduction in the number of clinics performing such services. The number was reduced to increase their ability to maintain consistent quality control over the physical examination process. They note too that Eau Claire is only 35 miles further from the Claimant's residence than LaCrosse.

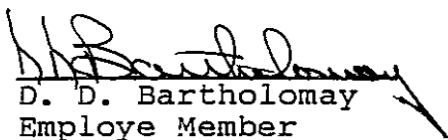
This Board has held before that time and expense expended in return-to-work examinations is not compensable under the rules as written. In fact, an accepted practice seems to exist in this case of the Claimant going to LaCrosse on a non-compensable basis for return-to-work physicals. Beyond this, the Board can't conclude that under these circumstances the extra mileage, due to reorganizing the system for physical examinations, is unreasonable.

AWARD:

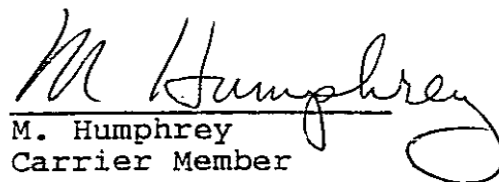
The claim is denied.



Gil Vernon, Chairman



D. D. Bartholomay
Employee Member



M. Humphrey
Carrier Member

Dated: 5/9/89