

PUBLIC LAW BOARD NO. 4306

Parties
to the
Dispute

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:
: BANGOR AND AROOSTOCK RAILROAD COMPANY :
:
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: and :
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: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES :
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: Case No. 2
: Award No. 2
:
:
:

STATEMENT OF CLAIM

Claim on behalf of Welder Helper R. F. Mayberry for January 24, 25, 29, February 12, 14, and 15, 1985, and Welder Helper M. B. Sprague for January 17, 18, 21 through 25, and 29, 1985.

OPINION OF THE BOARD

Carrier called a furloughed Rail Repair Foreman back into service on a temporary basis eleven days into the Winter of 1985. It did not recall a Rail Repair Helper to work with the Foreman, but instead assigned an already employed Trackman to flag for the Foreman while he worked on the frog switches and joints needing repair.

The Organization contends that Carrier cannot assign a Trackman to substitute as a Rail Repair Helper since flagging and protecting

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the Foreman while he is working is a duty specifically spelled out in the Helper's responsibilities.

The Board has reviewed the record and must conclude that Carrier erred by allowing the Trackman to cover for a Welder Helper. Carrier cannot properly claim that the Trackman only performed part of a Helper's duties, so no Helper was needed. When an employe is assigned to work with a Rail Repair Foreman, a Welder Helper must be used, if one is available. In the instant case, two furloughed Welder Helpers were available and the most senior of the two should have been called to assist the Foreman.

AWARD

The claim is sustained for eleven days at the Welder Helper's pro rata rate for one employe.

R. E. Dennis
R. E. Dennis, Neutral Member

W. E. LaRue
W. E. LaRue, Employee Member

D. R. Jewell
D. R. Jewell, Carrier Member

May 31, 1988
Date of Adoption