

PUBLIC LAW BOARD NO. 4816

In the Matter of the Arbitration between

CSX Transportation Inc.
(former Louisville & Nashville)

and

Brotherhood of Maintenance of Way Employees

Parties
to the
Dispute

Case No. 4

STATEMENT OF CLAIM

1. C.E. Bennett	187021*	28. L.R. Tyson	186909**
2. D.D. Wiggins	186862*	29. S.R. Mims	188058*
3. T. Summers	188182*	30. M.E. Summers	188077*
4. B. Watkins	186968*	31. W. McClain	188103*
5. J.L. Watkins	186969	32. J.A. Stinson	188152*
6. R. Mims	187159*	33. L.C. Cravey	188179*
7. E.J. Watkins	187161*	34. J.C. Hill	188211*
8. L.A. Horton	187168*	35. L.L. Tolbert	188339*
9. J.E. Watkins	187162*	36. K. Watkins	188419*
10. B.D. Barnett	187259**	37. B.W. Johnson	188453*
11. L. Stallworth	187276*	38. N. Johnson	188229*
12. W.D. Dyess	187379*	39. L.R. Hawkins	188180
13. J.D. Fowler	187414*	40. J.A. Blackmon	188410*
14. J. Thomas	187453*	41. W.C. Smith	188338*
15. W. Watkins	187383*	42. A.J. Sinqi-	
16. H.M. Harrison	187477*	field	188337*
17. B.A. Cuevas	187490*	43. J.B. Floyd	188332*
18. E. Hill	187594	44. C.W. Mosley	188230*
19. N.R. Fink	187721*	45. E.B. Jones	188439*
20. R. Fountain	187761*	46. K.L. Howard	188333
21. R.B. Elliott	187795*	47. W.J. Scott	187763*
22. R.L. Taylor	187801*	48. M. Baylor	186892**
23. J.P. McInvale	187818*	49. J.L. McMeans	188362
24. W.A. Bandy	187866	50. H.J. Simmons	174816**
25. J.L. Berry	187875	51. G.N. Nall	186703
26. J. Grace	185752	52. W.J. Hawthorne	188076
27. K.A. Durbin	188145*	53. A.L. Williams	187799
		54. D. Garrett, Jr.	174831**

"Be paid the difference between Southern Region Rail Laying Gang rates of pay (No Wage Schedule attached, account Carrier has not provided such, as per Rule 64), and that of wages paid them (while assigned to Rail Gang 6M25) and (any other employee who may be assigned thereafter).

"Also, each claimant should be paid mileage, hotel expenses (if any), meal allowance of 6.50 each calendar day, and 25.00 (each claimant) for each week-end trip home. These payments should start January 4, 1988 and continuous until the following violations are discontinued, Award 298, Appendix No. 27 and Past Practice.

Account, claimants were assigned to Rail Gang 6M25...to commence work on January 4, 1988. This Rail Gang was stationary at Atmore, AL., without any benefits of Award 298.

However, the Carrier had a set of Camp Cars shipped from Corbin, KY. (approximately 500 miles or more) to Flomaton, AL., which is approximately 22 miles from Atmore, AL., and advised the employees that they could stay in the Camp Cars. But, would not receive any benefits under Award 298."

OPINION OF THE BOARD

This case involves a 48-man Rail Gang headquartered at Atmore, AL. On January 4, 1988, Carrier established the Gang. It was abolished on March 25, 1988. Petitioner contends that the Gang should have been established as a Camp Car Gang because Carrier moved camp cars about 500 miles and placed them in Flomaton, Alabama, for people in the Atmore Gang to use if they chose to do so.

Carrier stated, however, that the employees would not get the benefits of Award 298 if they lived in the camp cars.

This Board has reviewed three other cases involving Carrier's establishing Fixed Headquarter Gangs where it made camp cars available for employees to live in if they so chose. The fact that Carrier makes these camp cars available for use by employees of Fixed Headquartered Gangs apparently sends false signals to the employees. The employees obviously think that because the camp cars are made available for use, the Gang should be classified as a camp car Gang and food and travel expenses paid. This Board, as well as others, has taken the position that since employees go on and off duty at the same headquarter's point each day, Carrier is not obligated to pay food, lodging, or travel expenses.

AWARD

The claim is denied.

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

B. C. Sweatt
B. C. Sweatt, Carrier Member

N. J. Marquar
N. J. Marquar, Employee Member

3-26-90
Date of Adoption