

Award No. 7

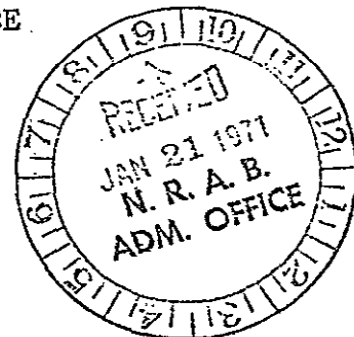
Docket No. 282-B

PUBLIC LAW BOARD NO. 566

PENNSYLVANIA FEDERATION BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES

vs

PENN CENTRAL TRANSPORTATION COMPANY



STATEMENT OF CLAIM: "M.W. Repair Shop.

System Docket 282-B, Logansport Repair Shop.

"Claim in behalf of H. Ryan for the time made by H. E. Kerns beginning at 1:30 P.M. February 5, 1967, and ending when he returned to his headquarters."

OPINION OF BOARD: The essential facts are not in dispute: A heavy snow created an emergency situation in the Chicago Seniority District. Claimant and a junior employe held seniority in the Logansport Repair Shop Seniority District. Carrier called the junior employe, H. E. Kerns, to assist in the snow removal operation on February 5 to February 8, 1967. Claimant was not called to go to Chicago; instead he worked his regular assignment on February 6 and 7 and marked off sick on February 8, 1967.

The issue to be decided in this dispute is whether Carrier has the right, under the Agreement, to assign a junior employe to assist in emergency work in another seniority district in preference to a senior employe.

Carrier takes the position that in an emergency situation it is afforded greater latitude in assigning its employes, particularly to work in a district where neither of the employes has any seniority.

The Organization asserts that Carrier, once it elects to call an employe to work in another seniority district, it must call the employe in seniority order as they appear on their own roster.

An analysis of the record in this dispute and precedent awards cited by both parties impels the conclusion that the claim must be sustained. In Award No. 5939, the Board stated:

"Under a long line of well-reasoned decisions, to which we adhere, we have held, with rules such as are involved in the confronting record, that when a Carrier elects to call employees from an established seniority group to perform work of another group, there being no employees holding seniority in the other group available, it is required to take notice of the seniority rights of the men in the group called upon to perform the service. See, e.g., Awards 2341, 4841, 4947, 5142 and 5604."

Award No. 5939 also, as in this dispute, involved a snow storm. See also Awards 5425 and 6306.

Claimant's recovery, however, is limited to the pro-rata rate and no allowance is made for February 8, 1967 when Claimant marked off sick.

AWARD: The claim is sustained consistent with the Opinion herein. Order date is 30 days from the date of this award.

PUBLIC LAW BOARD NO. 566

/s/ Nicholas H. Zumas

Nicholas H. Zumas, Chairman

/s/ A. J. Cunningham

A. J. Cunningham, Employee Member

/s/ S. J. Wilson

S. J. Wilson, Carrier Member

Signed and dated at Philadelphia, Penna. December 18, 1970