

**PUBLIC LAW BOARD NO. 6301**

**AWARD NO. 8  
CASE NO. 8**

**PARTIES TO  
THE DISPUTE:**

Brotherhood of Maintenance of Way Employees  
and  
Kansas City Southern Railway Company

**ARBITRATOR:** Gerald E. Wallin

**DECISION:** Claim sustained in accordance with the Findings

**STATEMENT OF CLAIM:**

"Claim on behalf of Kansas City Southern Railway, former MidSouth Rail Corporation and SouthRail Corporation employees Murphy Evans, H. C. Pierce, W. C. Lacy, H. R. Cooley and W. H. Patrick because the Carrier violated the current Work Agreement including, but not limited to Rule 7, MEAL PERIOD, when it did not allow the claimants a meal period on August 17, 18, 19, 23 and 30, 1999.

As a consequence of this violation of Rule 7, Meal Period, Mr. Evans, Mr. H. C. Pierce, Mr. W. C. Lacey, Mr. H. R. Cooley and Mr. W. H. Patrick should be allowed four hours and seventeen minutes at their respective time and one-half rates."

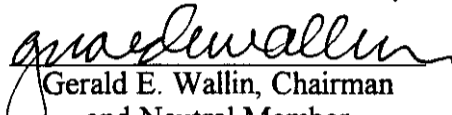
**FINDINGS OF THE BOARD:**

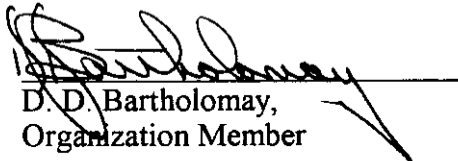
The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

This Claim alleges that Claimants were not provided meal periods in accordance with Rule 7 on the five days specified in the Statement of Claim. Although the Carrier refuted the allegations of the Claim, the Organization provided the requisite proof to establish that the Claimants did not receive their meal periods during the fifth or six hours of their assignments on those days. The record, however, does not sufficiently establish that the Claimants were not allowed to eat at all on the Claim dates.

For the remedy, the Carrier is directed to compensate each of the Claimants with an additional thirty minutes at their respective overtime rates for each of the five days claimed, which produces a total of two hours and thirty minutes of overtime each.

AWARD: The Claim is sustained in accordance with the Findings.

  
Gerald E. Wallin, Chairman  
and Neutral Member

  
D. D. Bartholomay,  
Organization Member

  
K. A. Alexander,  
Carrier Member

DATE: 11-5-02