

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 7163

Brotherhood of Maintenance of Way	)	
	)	
Employees Division, IBT Rail Conference	)	Case No. 253
	)	Award No. 253
and	)	
	)	
CSX Transportation, Inc.	)	

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- 1 The Agreement was violated when, on June 26 and June 27, 2013, the  
  
Carrier assigned Bridge and Building (B&B) Department employees to  
  
perform overtime and doubletime Track Department work of track repair  
  
and maintenance, cribbing between crossties, removal and reinstallation of  
  
crossties, the installation of culvert drain pipe and clearing of existing  
  
drainage pipes near Mile Post CA 348.0 on the Clifton Forge Seniority  
  
District (System File G31815913/2013-148393 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimants A.  
  
McKemy, J. Ware, R. Brown, H. Reynolds, R. Lawhorn, D. Simpkins, A.

Hansford and G. Broughman shall each receive sixteen (16) hours of overtime and six (6) hours of double time compensation at their respective rates of pay."

FINDINGS:

The Board has reviewed, in detail, the record before the Board. The question is, were B&B employees assigned the work that should have, by agreement been assigned to Track Department employees.

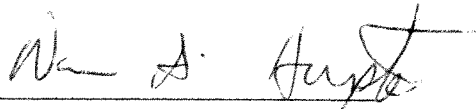
The Organization contends that the work in question, removing and reinstalling railroad ties, cribbing between ties, installing drainage pipes under the Carrier's right of way and clearing pipes. That the Carrier's assignment of B&B employees was in violation of Rule 1(B), Rule 3, and Rule 17 of the Controlling Agreement.

The Carrier argues that the work in question was part of the Big Ben Tunnel Project, and that contractors performed most of the actual tunnel work, however; CSXT employees performed work that would accrue to them.

The Board is of the opinion, in this particular case, that the Organization has met their burden of proof with substantial evidence. The claim will be sustained.

AWARD:

Claim sustained in accordance with the findings.



Don A. Hampton

Neutral Chairman and Referee



Katrina Donovan

Carrier Member



Andrew Mulford

Employee Member

DATED: 3/14/18