

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 7163

Brotherhood of Maintenance of Way)	
)	
Employees Division, IBT Rail Conference)	Case No. 261
)	Award No. 261
and)	
)	
CSX Transportation, Inc.)	

STATEMENT OF CLAIM:

"We are hereby submitting a claim under Rule 24 in favor of Track Department employee C. Dickey ID 213521, because the Carrier violated, but not limited to, Rules 1, 3, 4, 17, when it assigned a junior employee to work overtime, on the Chicago Division. Beginning on January 7, 2014, to and including February 14, 2014, the Carrier called in and assigned a junior employee B. Vermilyer ID 214862, to work overtime performing snow duty, between milepost 191.9 and 248.8, on the Chicago Division.

As a consequence of the violation of the above referred to Rules, the Claimant should be allowed two hundred and forty (240) hours overtime, at his respective overtime rate of pay."(System file: H42702514/2014-163394 CSX)

FINDINGS:

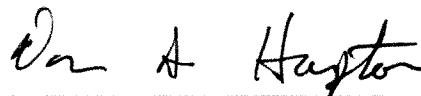
The Organization contends the Carrier offered overtime preference to a junior employee to perform snow removal work. The Claimant is senior in the Trackman Classification and Trackmen customarily or traditionally perform snow removal of the type at issue in this dispute

The Carrier responds that the Organization has failed to explain how Rules 1, 3, and 4 were violated, and that the Organization failed to fulfill its burden of proof.

The Board has carefully reviewed the record before us, and in this particular case, there is conflicting evidence. The Board is of the opinion that the Organization did not reach that level of proof to persuade the Board to issue a sustaining award.

AWARD:

Claim denied in accordance with the findings.



Don A. Hampton
Neutral Chairman and Referee



Katrina Donovan
Carrier Member



Andrew Mulford
Employee Member

DATED: 3/14/18