

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 7163

Brotherhood of Maintenance of Way)	
)	
Employees Division, IBT Rail Conference)	Case No. 262
)	Award No. 262
and)	
)	
CSX Transportation, Inc.)	

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

1. The Agreement was violated when, on January 26, 27 and 28, 2014, the Carrier

offered preference to and assigned Track Inspector J. Moore to perform overtime

trackman work at a derailment of the Baltimore East Seniority District (System

File A02601214/2014-163695 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant W.

Riley shall now be compensated for thirty-eight (38) hours at his overtime rate

of pay and twenty-four (24) hours at his double time rate of pay."

FINDINGS:

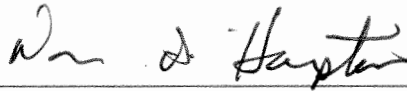
The Union avers that the Carrier offered overtime preference to a junior employee to perform cleanup of a derailment. That this is an overtime dispute covered by Rule 17, Section 1B, Subpart B is controlling.

The Carrier argues that the claim is invalid in that the employee on duty performed the work. That the Carrier has the right to temporarily assign employees to different classes of work. The Carrier further contends that there is nothing in the Agreement that restricts the Carrier from using any employee to perform work as long as the work falls under the scope of the craft.

The Board has carefully reviewed the record before us, and is of the opinion that Rule 17, Section 1B, Subpart B applies. “(B) IF additional employees are needed to assist in the work, other employees located within the seniority district will be offered/called in the order of their seniority, in the required job class.” The claim will be sustained. The Claimant will be paid the appropriate number of hours at the appropriate rate.

AWARD:

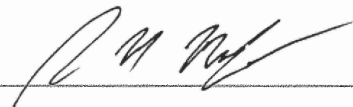
Claim sustained in accordance with the finding



Don A. Hampton
Neutral Chairman and Referee



Katrina Donovan
Carrier Member



Andrew Mulford
Employee Member

DATED: 3/14/18