

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 7163

Brotherhood of Maintenance of Way	)	
	)	
Employees Division, IBT Rail Conference	)	Case No. 264
	)	Award No. 264
and	)	
	)	
CSX Transportation, Inc.	)	

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

1. The Agreement was violated when, on January 18, 2014, the Carrier  
  
assigned Track Department Employees J. Cease and I. Carolla to  
  
perform overtime Welding Department work of making a field weld (i.e. a Boutet  
  
weld) at Mile Post CG 113.9 in the vicinity of New Buffalo, Michigan (System  
  
File H46401114/2014-164700 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimants T.  
  
Spires and B. Dykstra shall now each be compensated for nine (9) hours overtime  
  
at their respective rates of pay.”

FINDINGS:

The Union argues on January 18, 2014 the Carrier assigned Track Department employees to perform overtime Welding Department work, such as making field welds. That it is the Welding Department who has the specific duty which includes all track welding work.


The Carrier responds that there was no Rule violation on the date in question. That the work in question required the repair of two broken rails and a weld. The Claimant was called, but did not answer his phone. The two employees, on reaching the job site, decided to make a field weld, in which they were qualified to do. Further, that the work was performed by BMW representative employees, and in conclusion there were no Rules violated.

The Board has carefully reviewed the record before us. While the Carrier cites irreconcilable conflicting facts, the record does support the work in question did belong to the Claimants. The Carrier's efforts to convince the Board otherwise have failed. The claim will be

sustained.

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