

PUBLIC LAW BOARD NO. 7599

AWARD NO. 117

CASE NO. 117

PARTIES TO

THE DISPUTE: Brotherhood of Maintenance of Way Employees Division
IBT Rail Conference

vs.

Grand Trunk Western Railroad Company

ARBITRATOR: Gerald E. Wallin

DECISION: Claim sustained

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

1. The Agreement was violated when the Carrier failed and refused to allow Mr. P. Chrivia to exercise his work equipment welder seniority to displace junior seniority work equipment welder Mr. M. Perrin on January 3, 2020 (System File Chrivia158484PG030320/GTW-BMWED-2020-00006 GTW).
2. As a consequence of the violation referred to in Part 1 above, Claimant P. Chrivia shall now be properly compensated for the difference in pay from the welder helper to the work equipment welder position for all hours worked by the Claimant commencing on January 3, 2020 and continuing, given all benefits and credits for the days claimed, and permitted to exercise his seniority to the Work Equipment Welder position."

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.

The instant claim is a dispute over claimant's ability to exercise his welder seniority against a junior seniority welder. Whether claimant had the requisite welder seniority is not the determinative factor. When the controversy arose over claimant's seniority, the Organization and claimant properly requested the ability to demonstrate his qualifications to do the duties of the position. The Organization included its request letter in its submission. It complied with the requirements of Rule 3, Section 2. The Organization's request was apparently ignored by the Carrier. Indeed, although the request letter was part of the on-property record, the Carrier failed to include the Organization's


letter in its own submission.

On the record before us, the Carrier failed to comply with claimant's rights under the Agreement. Therefore, claim must be provided the remedy as requested.

AWARD:

The Claim is sustained in accordance with the Findings. The Carrier is directed to comply with this Award within thirty (30) days of the date shown below.


Gerald E. Wallin, Chairman
and Neutral Member


John Schlismann,
Organization Member


Patrick Crain,
Carrier Member

Date: 20 Mar 2023