

BEFORE PUBLIC LAW BOARD No. 6568

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

And

BANGOR & AROOSTOOK RAILROAD COMPANY

Case No. 7

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

- (1) The Agreement was violated when the Carrier improperly abolished Surfacing Crews 1 and 2, failed and refused to bulletin construction crew positions the member of the surfacing crews were required to occupy and failed to allow Foreman P.G. McGillicuddy and Equipment Operators W. C. Lunn, G.W. Willette, and Galen J. Nickerson overtime pay and mileage commencing November 1, 1999 and continuing until December 30, 1999 for each day the employee worked in that time period.
- (2) As a consequence of the violation referred to in Part (1) Above, the Claimants shall be allowed remedies as follows:

Foreman Paul McGillicuddy is entitled to be paid daily travel time at the overtime rate and mileage as follows. 232 miles round trip daily @ \$0.31 per mile for a total of \$71.92 and 4 hrs OT daily travel time at the surfacing crew foreman rate of \$16.67 per hours for a total of \$100.04 daily for each day he as worked on the Construction Crew at Derby starting November 1, 1999.

Equipment Operator Wayne Lunn is entitled to be paid daily travel time at the overtime rate and mileage as follows. 304 miles round trip daily @ \$0.31 per mile for a total of \$94.24 and 6 hr OT daily travel time at the MK OV Operators rate of \$15.76 per hour for a total of \$141.84 daily for each day he has worked on the Construction Crew at Derby starting November 1, 1999.

Equipment Operator Gary Willettee is entitled to be paid daily travel time at the overtime rate and mileage as follows. 344 miles round trip daily @ \$0.31 per mile for a total of \$106.64 and 7 hrs OT daily travel time at the Ballast Regulator Operators rate of \$15.47 per hour for a total of \$162.47 daily for each day he has worked on the Construction Crew at Derby starting November 1, 1999.

Equipment Operator Galen Nickerson is entitled to be paid daily travel time at the overtime rate and mileage as follows. 244 miles round trip daily @ \$0.31 per mile for a total of \$75.64 and 4 hrs OT daily travel time at the Switch Tamper Operators rate of \$15.19 per hour for a total of \$91.16 daily for each day he has worked on the Construction Crew at Derby starting November 1, 1999.

FINDINGS:

During the hearing, the parties reached a resolution of Case No. 7, which was therefore withdrawn.


JOAN PARKER, Neutral Member


CARRIER MEMBER

DATED: 2/27/03


ORGANIZATION MEMBER

DATED: 2-27-03