

AWARD NO. 56
Case No. 56

Organization File No. I56715507
Carrier File No. 2008-005647

PUBLIC LAW BOARD NO. 7163

PARTIES) BROtherHOOD OF MAINTENANCE OF WAY EMPLOYES DIVISION,
) INTERNATIONAL BROTHERHOOD OF TEAMSTERS
TO)
)
DISPUTE) CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM:

1. The Carrier violated the Agreement when it failed to assign Messrs. C. Owen, M. Bell, M. Johnson, R. Campbell and J. Colvin to perform overtime service on November 3 and 4, 2007 and instead called and assigned junior employees Gabel, T. Powell, T. Wilson, S. Bennett and G. Widener.
2. As a consequence of the violation referred to in Part (1) above, Claimants C. Owen, M. Bell, M. Johnson, R. Campbell and J. Colvin shall now each be compensated for twenty-one (21) hours at their respective overtime rates of pay.

FINDINGS:

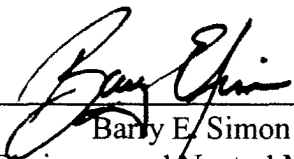
The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 20, 2008, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.


On Saturday and Sunday, November 3 and 4, 2007, the Carrier used employees assigned to Gang 6L38 to perform overtime work in connection with a project on the Henderson Ohio River Bridge. Claimants, at the time, were assigned to Gang 6L10 and were senior to four of the employ-

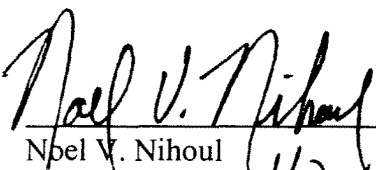
ees who worked. The Organization contends Claimants should have been called to work the overtime assignment in lieu of the junior employees.

The Carrier has asserted that the employees who worked the overtime were utilized in making track panels. The evidence in the record, however, establishes that the work performed was on the bridge itself. Inasmuch as this was the work Claimants had been performing, and because they were senior to the employees used, we must conclude that the Carrier should have called Claimants to work rather than the junior employees from Gang 6L38. Claimants are entitled to what they would have earned had they been properly called.

AWARD: Claim sustained. Carrier is directed to comply with this Award within 30 days.


Barry E. Simon
Chairman and Neutral Member


Roy C. Robinson
Employee Member


Noel V. Nihoul
Carrier Member 1/20/2010

Dated: December 17, 2009
Arlington Heights, Illinois