

Public Law Board 881

Case No. 5

Statement of Claim:

CENTRAL REGION - ALLEGHENY DIVISION CTO - 163 - Local Union charges Management with violation of Regulation 8-F-1, paragraph 3. A new wreck train was established at Cresson, Pa., on February 13, 1966, and should be manned by employees of the Carmen Craft, at this location as prescribed in the regulations."

Statement of Facts:

Prior to February 12, 1966, wreck trains were located at Conemaugh and Cresson, Pa. Both of these wreck trains were manned by employees of the Maintenance of Way Department.

Effective at the close of the tour of duty on February 11, 1966, the positions of the employees assigned to the Conemaugh wreck train were abolished. The wreck train equipment was moved from Conemaugh to Cresson on February 13, 1966, where it was used in conjunction with the wreck train at that location. The existing Maintenance of Way wreck train force at Cresson manned either wreck train depending on the location of the wreck.

On April 26, 1966, the wreck train equipment of the Conemaugh wreck train was returned to Conemaugh.

As a result of the foregoing, a claim was initiated alleging that the Carrier violated Regulation 8-F-1, paragraph 3 of the Schedule Agreement by establishing a new wreck train at Cresson, Pa., on February 13, 1966. The Claim was progressed through the prescribed channels on the property up to and including the highest officer of the Carrier designated to handle claims and grievances. Failing to reach a mutually satisfactory settlement,

the parties agreed to submit this case to Public Law Board No. 881 for decision.

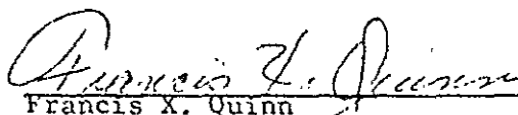
Opinion of the Board:

This claim represents a jurisdictional dispute between two classes or crafts of employees in the service of the Company as to which class is entitled to perform certain types of work. Paragraphs 7 and 8 of January 28, 1972 read as follows:

"(7) The determination that a third or additional party may have a possible interest in a dispute shall be made by the Neutral Member. Should a determination be made that a third or additional party may have a possible interest in a dispute, the Board shall give due notice of such possible interest to such other party or parties and an opportunity to be heard. Where a determination has been made that they may be a third or additional party of interest in a dispute and notice has been given to such other party or parties as provided in this paragraph, the hearing of said dispute shall not be set earlier than three months from the date of notice to such other party or parties of possible interest.

(8) In the event it is determined that a third or additional party may have a possible interest in a particular dispute and due notice thereof is given as provided in this Agreement, such party or parties shall be given a reasonable period of time to present its or their position to the Board and shall be accorded the same full and fair hearing procedures as are provided herein for the original parties, including the right to appear with the same rights as the original parties at any executive session of the Board convened for the purpose of considering and adopting any proposed award. In a dispute where such notice of hearing has been given to third or additional parties, the award shall be made only by the Neutral Member."

In view of the above, the employees of the crafts and classes represented by the Pennsylvania Federation of the Brotherhood of Maintenance of Way Employees are an interested third party in this dispute and should be given due notice of the proceedings in this case on or no later than July 15, 1972, and a right to appear and be heard by this Board after October 15, 1972.


Francis X. Quinn
Chairman & Neutral Member

June 15, 1972, Philadelphia, Pennsylvania