

SPECIAL BOARD OF ADJUSTMENT NO. 1016

Parties  
to the  
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION

Case No. 17

STATEMENT OF CLAIM

- (1) The Carrier violated the Agreement when it recalled junior Trackman T. A. Metz to fill a temporary vacancy as trackman on and subsequent to April 22, 1985 instead of recalling Trackman B. D. Patterson who was senior, available and willing to fill that vacancy.
- (2) Because of the aforesaid violation, Trackman B. D. Patterson shall be allowed ten (10) hours of pay for each day worked by Trackman T. A. Metz beginning April 22, 1985 and continuing until Claimant B. D. Patterson is recalled.

OPINION OF THE BOARD

On April 18, 1985, Carrier attempted to contact Claimant by telephone to inform him that a temporary assignment was available to him. Claimant had no phone number on record with Carrier nor did he have

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a telephone listed with the Telephone Company. Carrier, when not able to contact Claimant by phone, went on to the next junior furloughed employee and offered him the job. That employee, T. A. Metz, took the job and he worked eight days between April 22 and May 2, 1983.

Petitioner contends that Carrier should have sent Claimant a letter or a Mailgram to announce the availability of work for him. It contends that Claimant is not required to keep a phone number where he can be reached on file with Carrier, only an address. Petitioner argues that it is contemplated that furloughed employees will be notified by mail of vacancies and not necessarily by phone.

Carrier argues that prior to this claim and subsequent to this claim, it always used the phone to call furloughed employees back to work.


Based on the total record before it, this Board is of the opinion that Carrier met the requirements of the Agreement when it attempted to notify Claimant by phone and was unsuccessful. The position was temporary or of a short duration and needed to be filled immediately. Carrier is not required to notify furloughed employees of temporary appointments by mail. This Board is also of the opinion that furloughed employees should make all relevant information about how they may be reached available to Carrier so that notification of job opportunities


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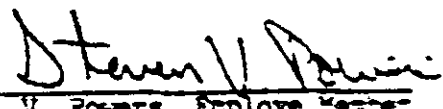
can be made on a systematic and reliable basis.

AWARD

The claim is denied.

  
E. E. Dennis, Chairman

  
J. H. Burton  
Carrier Member

  
S. V. Powers, Employee Member  
Dissent

AUG 01 1991

Date of Adoption