

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

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

1. On certain dates in July and August, 1960, the Carrier violated the effective Agreement by improperly filling temporary vacancies in the Welder and Welder Helper class with regularly assigned employees in lieu of having filled same with employees furloughed from these classes.

2. The following identified employees be reimbursed as follows:

(a) E. E. Madden for the difference in the rate of pay of the hourly rated Welder Helper and that of a monthly rated Welder Helper from 7-12-60 through 7-29-60.

(b) Welder Helper John S. Cunningham for the difference in rate of pay of the hourly rated Helper and that of a monthly rated Helper from 7-11-60 through 7-15-60.

(c) Welder A. A. Hester for the difference in rate of pay of an hourly rated welder and that of a monthly rated Welder from 8-8-60 and continuing until this violation of Agreement ceases.

FINDINGS: A portion of Rule 11(c) provided the method of temporarily filling vacancies pending bulletin. It was eliminated from the Agreement effective August 1, 1960.

Claim (a) involved a vacancy of less than 20 days not subject to being bulletined, so that portion of Rule 11(c) was not applicable. The Carrier filled the vacancy in accordance with its regular practice so that the senior man was assigned to the higher monthly rated position. This is in accord with the seniority principle stated in Rule 1(c), and we find no rule forbidding it.

Claim (b) is in all respects the same as Claim (a).

Claim (c) involved a temporary filling of a vacancy pending bulletin after August 1, 1960, and there was then no rule forbidding the assignments made in accordance with the usual practice.

AWARD: Claims denied.

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(s) Dudley E. Whiting  
Dudley E. Whiting, Chairman

(s) A. J. Cunningham  
A. J. Cunningham, Employee Member

(s) G. W. Johnson  
G. W. Johnson, Carrier Member

St. Louis, Missouri, October 30, 1962 Files 247-3902, 247-3910 and 247-3916