

AWARD NO. 64
Docket No. 64

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) The Carrier violated the effective Agreement by failing to assign furloughed Section Laborer Juan Maldonado, Section No. 142, to the performance of work on his own Section during the period November 28 through December 30, 1958.
- (2) The Carrier shall now compensate furloughed Section Laborer Juan Maldonado for 8 hours pay for each working day during the period referred to in part 1 of this claim and at his respective straight-time rate of pay.

FINDINGS: It appears that an extra gang was used in the San Antonio Yards during the period stated in the claim to perform normal or regular maintenance work because heavy rains had created a large amount of such work. The claimant was a furloughed laborer from Section No. 142.

Rule 29 provides that extra gangs will not be employed to the exclusion of section men. It appears that a considerable portion of the work performed by the extragang was normally performed by section gangs. Since at that time section gang and extra gang seniority were separate, it appears that an extra gang was used to the exclusion of claimant and in violation of his seniority rights.

AWARD: Claim sustained, less unemployment compensation and earnings in other employment.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(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
September 7, 1962
File BMWE 32-58