

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)
and) Case No. 75
St. Louis Southwestern Railway Company) Award No. 76

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to call in line with his seniority Extra Gang Laborer Floyd Sparks for overtime work accruing to his gang, on certain specified dates in September and October, 1961.

2. Extra Gang Laborer Floyd Sparks be now paid a total of 39 hours at his respective rate account of the above referred to violation of the Agreement.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

From the evidence of record the Board finds that the claimant was not qualified to operate a truck, as he did not have an operator's license. Therefore, he was not entitled to the overtime made by Yeargain on the assigned days Monday through Friday. If Yeargain had the truck at Cardwell and brought over Wilkins to the unloading point on Saturdays, the claim of Sparks should be denied.

AWARD:

Claim denied.

/s/ Thomas C. Begley
Thomas C. Begley, Chairman

/s/ A. J. Cunningham
A. J. Cunningham, Employee Member

Issued at Cleveland, Ohio
this 3rd day of April, 1968.

/s/ M. L. Erwin
M. L. Erwin, Carrier Member