

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees )

and )

St. Louis Southwestern Railway Company )

Case No. 77

Award No. 78

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to compensate W. C. Lipsey, Extra Gang Laborer, Gang No. 57, at the time and one-half rate for services rendered between the hours of 6:00 AM, and 7:00 AM, beginning on May 2, 1962 and continuing.

2. Extra Gang Laborer W. C. Lipsey be now reimbursed for the difference in pay received at the pro rata rate, and what he should have received at the punitive rate, because of the Carrier's violation of the Agreement, as alleged in Part 1 of this claim.

3. Carrier violated the effective Agreement by requiring Extra Gang Laborer W. C. Lipsey to suspend work at 3:00 PM, beginning May 2, 1962 and continuing, for the purpose of absorbing overtime.

4. Extra Gang Laborer W. C. Lipsey be now reimbursed for one (1) hour's pay at the pro rata rate for each day the violation of the Agreement referred to in Part 3 of this claim continues.

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.

The Board finds that the claimant was a member of Gang 57 and was ordered by the Carrier to report at 6:00 A.M. and his hours would be 6:00 A.M. to 3:00 P.M. The rest of the Gang had hours from 7:00 A.M. to 4:00 P.M. The claimant was ordered to report at 6:00 A.M. in order to clean the yard office before the day shift of the yard office reported for duty. The Carrier did

not violate any rules of the Agreement when the claimant was ordered to report for work at 6:00 A.M.

AWARD:

Claim denied.

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

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

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

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