

AWARD NO. 47

CASE NO. 47

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

READING COMPANY

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement on January 3, and January 4, 1963, by refusing or otherwise not permitting certain specified employees to work during their regular tours of duty on the above dates referred to.
2. Section Foreman A. Palumbo, Section Laborers T. Morgan, C. Miller, B. Holden, A. Leak, C. Kimbrough, H. Willis, Welder J. J. Petko, and his Laborer Helper W. Coles; Extra Gang Foreman L. Harris, Extra Gang Laborers L. Wynch, A. Thomas, C. Vaughn, E. Hill, W. Richardson, L. Leary, C. Cicirello, S. Greene, A. Brown, A. Ricks, G. McLucas, J. Sisofa, F. Jenkins and M. Cade; Extra Gang Foreman M. Tucker, and Extra Gang Laborers, W. Ayers, W. Kennedy, B. Elliott, A. Fort, T. Corbitt, J. Taylor, and J. Meyers, Jr., now be allowed 8 hours pay, each, at their respective pro rata rates on account of this referred-to violation of the Agreement on their regularly assigned work day, January 3, 1963.
3. Welder J. Carlton and His Laborer Helper, A. Goodman; Extra Gang Foreman F. Tartaglia and Extra Gang Laborers M. Rudd, J. Merrieweather, F. Bankhead, M. Cue, J. Lance, C. White, R. Walton, J. Butler, L. Lawrence now be allowed 8 hours pay, each, at their respective pro rata rates of pay on account of this referred-to violation of the agreement on their regularly assigned work day, January 4, 1963.

OPINION OF BOARD:

The facts disclose that both before and after, as well as during the period of the claim, the claimants worked extremely long hours. There is some controversy concerning whether the claimants were directly instructed to go home or were allowed to go home of their own volition. But under the circumstances, which involved such extended hours of duty as to tax the physical condition of the claimants, we conclude that the claim should be denied.

AWARD: Claim denied.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Chairman

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

/s/ V. W. Bigelow
V. W. Bigelow, Carrier Member

Philadelphia, Pa.
June 28, 1966.