

AWARD NO. 10
CASES NOS. MW-181,
AND MW-182

SPECIAL BOARD OF ADJUSTMENT NO. 293

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

STATEMENT OF CLAIM:

- (1) The Carrier violated the effective Agreement by assigning to the position of Assistant Mason Foreman at Ashley, Pennsylvania, on June 16, 1958, James Herman, who held no seniority in the Assistant Mason Foreman's class.
- (2) The Carrier shall assign to this position the senior qualified employe on the Pennsylvania Division as of June 16, 1958, and reimburse such employe for the difference in pay received and what he should have received if he had been so assigned to this Assistant Mason Foreman's position on June 16, 1958.

OPINION OF BOARD:

The evidence in this case discloses that employe George Hodar was entitled to be assigned to the Assistant Mason Foreman position which was posted for bids on June 9, 1958. The Carrier acted in violation of the Agreement by permitting James Herman to occupy this position, instead of Hodar. Herman held no seniority in the Mason force in the capacity of Assistant Foreman, while Hodar did possess seniority in this capacity.

A W A R D

Claim sustained.

(s) Lloyd H. Bailer
Lloyd H. Bailer, Neutral Member

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

(s) C. S. Strang
C. S. Strang, Carrier Member

Jersey City, N. J.
November 30, 1959