

SPECIAL BOARD OF ADJUSTMENT No. 293

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

STATEMENT OF CLAIM:

- (1) That the Carrier violated the effective Agreement by assigning Machine Operators Charles Charneski, George Davis and Albert Stewart to perform Track Laborers' work of repairing damaged track because of a derailment on the Nanticoke Branch, Nanticoke, Pennsylvania, on January 3, 4 and 5, 1960, in lieu of calling extra Track Laborers from the furloughed list for the performance of this work.
- (2) That the three senior furloughed Track Laborers on the Pennsylvania Division be now compensated for their proportionate shares of the total time spent by these Machine Operators in the performance of this referred to work.

OPINION OF BOARD:

Due to a derailment in the Ashley area, three Machine Operators were assigned to work with the track forces in restoring the damaged tracks to proper condition, these duties being performed on the dates indicated in the claim. Charles Charneski was assigned as a Swing Loader Operator, Albert Stewart as a Crane Operator and George Davis as a Truck Driver. In addition to holding seniority in the Machine Operators sub-department, all three of these employees hold seniority as Trackmen, as permitted by Exhibit 11 attached to the controlling Agreement. The Organization's contention is that on the dates in question the subject Machine Operators also performed work reserved to Track Laborers, thereby depriving furloughed Track Laborers of work to which they were entitled under the Agreement.

The record shows that each of the Machine Operators was assigned for the purpose of performing the regular work of his particular operator classification but that during periods when there was no such work to be done he was utilized to perform Laborer's work in connection with restoration of the track. This utilization was done to expedite the restoration work and also, no doubt, to fill in the Machine Operator's time. Each Machine Operator was continued on the rate for his regular classification throughout the period involved.

We find no Agreement violation here. As already indicated, the Machine Operators in question also hold seniority as Track Laborers. When there is insufficient work for them in their particular operator classification there is no contract prohibition against their assignment to laborers' work, so long as their operator's rate is preserved in accordance with Rule 31. The practice on the property also reflects this interpretation of the relevant contract provisions. In the event that a Machine Operator formally exercises displacement rights as a Trackman, however, the preservation of rate rule would not be applicable.

A W A R D

Claim denied.

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

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

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

Jersey City, N. J.
January 25, 1962