

SPECIAL BOARD OF ADJUSTMENT No. 498

PARTIES: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

GREAT NORTHERN RAILWAY COMPANY

AWARD IN DOCKET No. 3

STATEMENT

OF CLAIM: "Claim of the System Committee of its Brotherhood that:

(1) The Carrier violated the effective Agreement and the supplements thereto when it directed and required Section Foreman Stephen Klick to assume the duties, responsibilities and work load of two positions during the vacation absence of Foreman Merle Spencer from September 14, to October 2, 1959, both dates inclusive.

(2) The decisions by Assistant Superintendent Treml dated October 30, 1959, by Superintendent Surles, dated December 9, 1959, and by General Manager Whitman, dated February 2, 1960, were not in conformance with the requirements of Section 1 (a) and (c) of Article V of the August 21, 1954 Agreement.

(3) Because of the violations referred to in Parts (1) and (2) of this Statement of Claim, the Carrier now be required to allow the claim as was presented by Division Chairman Holden under date of October 27, 1959."

FINDINGS: Award No. 8276 of the Third Division, N. R. A. B., sustained a similar claim. In this case it appears that the assignment of the duties and responsibilities of the vacationing section foreman was in all respects similar to the assignment therein.

The Carrier argues that the time claimed is inflated but does not show its pertinent records, such as claimants distribution of work reports.

The Carrier also contends that, if the assignment was improper, the damages were suffered by the senior qualified laborer on Section 10 who would have been appointed relief foreman and not by claimant. While that contention has considerable merit, Award 8276 sustained the claim of the foreman who performed the work and we are unable to say that there was no reasonable basis for such decision, so we decline to reverse it.

AWARD: Claim sustained.

(s) Dudley E. Whiting  
Dudley E. Whiting, Referee

(s) A. J. Cunningham (s) T. C. DeButts  
A. J. Cunningham, Organization Member T. C. DeButts, Carrier Member  
Dated at St. Paul, Minn., this  
6th day of August, 1963.