

SPECIAL BOARD OF ADJUSTMENT NO. 541

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

"1. The Carrier violated the effective Agreement on November 7, 8, 9, 13 and 14, 1962, by failing to recall to service senior furloughed Bulldozer Operator Mr. Roy Goodgame for work at Sharpsville, Pa.

"2. The Carrier shall now reimburse Group 8 Equipment Operator, Roy Goodgame for the number of days of work lost to him by reason of this violation of the Agreement, and at his operator's rate of pay."

FINDINGS:

Floyd Angel, the regularly assigned Group 8 Bulldozer Operator at Sharpsville, Pa., failed to report for work on the claim dates and a qualified operator named Jones, who was working as a trackman in the vicinity, was used to operate the machine.

The Organization maintains that Claimant should have been called upon to perform the work since he and not Jones held Group 8 seniority. We agree. This was a Group 8 vacancy that should have been filled by a Group 8 employee.

It is true, as Carrier emphasizes, that Claimant lived in Cleveland, 70 miles distant from Sharpsville, and had no telephone during the period in question. The difficulty with that position is that there is no evidence that Carrier made even the slightest effort to contact him. Claimant plainly was entitled to the work and, if group seniority provisions are to have any real meaning, Carrier should have employed reasonable measures to try to reach him.

We will sustain the claim as to November 9, 13 and 14, 1962, but not as to the first two days of Angel's absence since he gave no prior notice to Carrier that he would be absent and it was not until the end of the second day, November 8, that it might have been reasonably anticipated that he would continue to be absent.

AWARD:

Claim sustained as to November 9, 13 and 14, 1962, but not insofar as November 7 and 8, 1962 are concerned.

Dated at New York, N. Y., this 25th day of August, 1964.

/s/ Harold M. Weston
HAROLD M. WESTON, REFEREE

/s/ Arthur J. Cunningham
ORGANIZATION MEMBER

/s/ R. A. Carroll
CARRIER MEMBER