

SPECIAL BOARD OF ADJUSTMENT NO. 541

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees
Erie Lackawanna Railway Company

STATEMENT OF CLAIM:

1. The Carrier violated the Agreement by transferring the headquarters of Track Gangs Nos. 06 and 07 from Avoca and Dunmore, Pa. to the Diesel Shop at Scranton, as of August 1, 1967.
2. Section Foreman F. W. Hughes and Foreman P. F. Steer, Trackmen J. J. Cooney, W. W. Casey, W. H. Edwards and A. F. Pace; Truck Drivers Ignatz Grobinski and J. J. Hobbs; and Welder Michael Ricko be now paid two (2) hours per day, each, for travel time each work day beginning August 1, 1967, account of this improper change in their Headquarters point, and continuing until this condition has been corrected.

FINDINGS:

The critical question is whether Carrier violated the applicable Agreement when it unilaterally changed headquarters for Section Gang 06 and Section Gang 07 from respectively Avoca and Dunmore to Scranton. The approximate distance from Avoca to Scranton is seven miles; Dunmore to Scranton is two miles.

Rule 14 prescribes that "when new positions are created or when permanent vacancies occur" bulletins will be posted showing "the location, descriptive title, hours of service and rate of pay" of each such position and vacancy. Ordinarily, therefore, there should be no substantial change in the headquarters site of the posted position although management is, under Rule 18, free to designate the points where the employees' time will begin and end.

Where some compelling operational or economic consideration exists, however, and the move does not materially work to the employees' detriment, a change in headquarters may be made; we are satisfied that neither Rule 14 nor any other provision of the Agreement calls for a contrary construction.

In the present case, it appears that the headquarters move was made primarily because the garage and truck assigned to Section Gang 06 were destroyed by fire and management decided that the equipment could receive better protection at Scranton. The record does not establish that that determination was unreasonable or that the change subjected the affected employees to appreciable inconvenience.

In the light of the specific facts of this case, we will deny the present claim.

AWARD: Claim denied.

Adopted at Cleveland, Ohio, October 16, 1974.

/s/ H. M. Weston
H. M. Weston, Chairman

/s/ R. A. Carroll
R. A. Carroll, Carrier Member

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