

AWARD NO. 111
Docket No. 111

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM: Claim of the System Committee that:

1. The Carrier violated the effective Agreement by failing to call Senior Trackman, H. H. Stone, for overtime work on Section No. 17, Otterville, Missouri, on Saturday, December 10 and 11, 1960, when, instead, a junior employe was called.

2. Trackman H. H. Stone be now compensated for the amount of a call on each of the dates referred to.

FINDINGS: The claim of December 10 related to calling a junior trackman for the purpose of driving livestock off the right-of-way, allegedly at Mile Post 158. Livestock on the track is an emergency situation which appropriately requires the use of the closest available man to eliminate the hazards involved. Accordingly, we find that Carrier's action in calling Trackman Maness, who lived only three miles distant, was proper.

The claim for December 11 involved the use of a junior man for lighting switch heaters and cleaning snow and ice. Weather conditions requiring the lighting of switch heaters are sufficiently predictable that no good reason appears for calling a junior man simply on the basis that he would travel seven miles less. The evidence as to highway conditions does not indicate that they would be particularly different for either.

The claim is for a call, but since no work was performed, it will be sustained for four hours' pro rata, that being approximately the time required for its performance.

AWARD: Claim for December 10 denied; claim for December 11 sustained for four hours at pro rata.

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

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

(s) G. W. Johnson
G. W. Johnson, Carrier Member

St. Louis, Missouri
October 30, 1962
File 247-3946