

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 247

Case No. 247
File 247-6585

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad Company

Statement

of Claim: (1) Carrier violated Agreement Rules 1(c) and 3(a) and (C-2) account 24 B&B Subdepartment employees of Gangs 2804, 2805, and 2807 were not allowed to return to work on September 22, 1982, or otherwise were not allowed to displace junior employees working on System Bridge Gang 2806, following the national BLE strike.

(2) All twenty-four Claimants shall now be allowed eight hours' pay for each day of September 20, 21, 22, 23, and 24, 1982 at each man's respositive rate.

The Board has jurisdiction of this case.

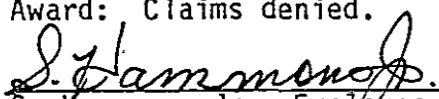
The Brotherhood of Locomotive Engineers initiated a national strike at 12:01 AM on Sunday, September 19, 1982. The BLE concluded its strike on Wednesday, September 22, 1982. The system B&B Gangs were notified to not report for work until after the strike concluded. The Employees were advised to report on Monday, September 27, 1982. The Foremen of the Gangs were told that the railroad was "gearing back up" and to advise their men that normal operations would resume at the start of the shift on Monday, September 27, 1982.

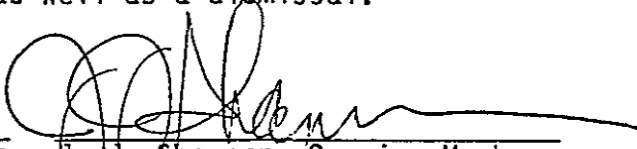
These Claimants were assigned to a modified four day ten hours a day, work week (Monday through Thursday, with Friday, Saturday and Sunday off).

The claims appear to represent "laying behind the log." The Claimants, belatedly sought, 66 days later, on November 17, 1982, to file time claims which implied that they were willing to travel. Even if recognized it, meant they were saying 66 days later that they would have travelled as much as 1,000 miles for one day's work on Thursday, September 24th. There is no merit to the claim.

A denial Award will serve as well as a dismissal.

Award: Claims denied.


S. Hammons, Jr., Employee Member


D. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member