

AWARD NO. 68
Docket No. 68

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the effective Agreement by allowing B&B Foreman G. C. Ashley to displace B&B Carpenter K. C. Meadors in the latter part of December, 1958.
- (2) B&B Carpenter K. C. Meadors be now compensated for 5 days' pay at his B&B Carpenter's straight time rate of pay on account of the violation of the Agreement referred to in part one of this claim.

FINDINGS: It appears that the Carrier violated the provisions of Rule 3(c) in permitting a foreman to displace claimant before exhausting his rights in the foreman class. Under the displacement rules, claimant, when displaced, had 30 days to exercise displacement rights over junior employees. This he did not do for one week after displacement. In view of the fact that it is not shown that he was aware that his displacement was in violation of the rules, we are unable to say that he failed to exercise his rights within a reasonable time to the extent that it would avoid further compensation for Carrier's violation.

AWARD: Claim sustained.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(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
September 7, 1962
File BMWE 36-58