

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES } The Brotherhood of Maintenance of Way Employees
TO }
DISPUTE } St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. Carrier violated the effective Agreement by assigning Extra Gang Laborer B. Holloway, Texas Division employe to work on Extra Gang No. 4, Foreman Ray Watkins, Northern Division during the period February 10-11-12 and 13, 1959, instead of assigning Extra Gang Laborer Ellis Morgan who holds seniority rights on the Northern Division.

2. That Claimant Extra Gang Laborer Ellis Morgan be now paid a total number of hours as was worked by Extra Gang Laborer Holloway on the dates referred to in Part 1 of this claim.

FINDINGS: The employes state that the Extra Gang Laborers' roster is divided into the Texas Southern Division and the Northern Division. The dividing point is at mile post 417.53, Texarkana, Texas. Employes holding seniority on the Texas Division are only entitled to work on that Division and south of mile post 417.53. Employes holding seniority on the Northern Division are entitled to perform work only north of Mile Post 417.53.

The employes further state that the carrier called furloughed employe, Extra Gang Laborer. B. Holloway, from the Texas Division and he performed services on Extra Gang No. 4 on February 10, 11, 12 and 13, 1959. That he holds no seniority rights on the Northern Division; that Extra Gang Laborer, Ellis Morgan, was furloughed at this time and was not called back to work until February 16, 1959, to work on Extra Gang No. 4. The carrier violated Rule 3-3 of the effective Agreement.

The carrier states that the work in question had to be started on February 10; that it was emergency work and that it used employe Holloway, who held no seniority on the Northern Division, until it could call Extra Gang Laborers who held seniority on the Northern Division.

From the evidence presented in this claim, the Board finds that the work in question was not emergency work and that the carrier violated the Agreement when it used Extra Gang Laborer Holloway who held no seniority on the Northern Division. There is no showing by the carrier that it called the claimant prior to February 10, 1959, to report to Extra Gang No. 4. The claimant was furloughed and held seniority on the Northern Division. Therefore, this claim will be sustained.

AWARD: Claim sustained.

(s) Thomas C. Begley
Thomas C. Begley, Chairman

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

(s) M. L. Erwin
M. L. Erwin, Carrier Member

Tyler, Texas, July 27, 1960.