

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees	)	
	)	Case No. 74
and	)	
	)	Award No. 75
St. Louis Southwestern Railway Company	)	

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement when it failed and refused to allow C. C. Cook, senior employee, to fill the position of flagman at crossing, beginning May 2, 1961 and ending July 8, 1961, and allowed Allen Pry, junior employee, to fill the position.

2. C. C. Cook shall be paid at penalty time rate for sixty-four (64) hours, beginning June 20, 1961 ending July 8, 1961.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

From the evidence of record the Board finds that the employee who works on a certain assigned job, as in this case a flagman, every assigned day Monday through Friday is entitled to the overtime on an assigned day. The claimant Cook who was senior to Pry and, if available, should have been used in preference to Pry for the overtime on the Saturdays listed in the claim. Claim is sustained for these Saturdays at the pro rata rate.

AWARD:

Claim disposed of in accordance with the findings.

/s/ Thomas C. Begley
Thomas C. Begley, Chairman

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

Issued at Cleveland, Ohio
this 3rd day of April, 1968.

/s/ M. L. Erwin
M. L. Erwin, Carrier Member