

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)

and

St. Louis Southwestern Railway Company )

) Case No. 76

) Award No. 77

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement between the Carrier and the Brotherhood of Maintenance of Way Employees when on May 1, 1962, it required Extra Gang #57, J. L. Northcutt, Foreman, and W. M. Beechley, C. A. Abernathy, G. W. Bond, L. E. Ferguson, P. W. Watts, Robert Walton, W. Turner, C. Fields, S. Deadman, L. Stephenson, F. Jiminez, and R. Body, Laborers, to begin traveling to and from their assigned headquarters to work location on their own time.

2. The Carrier shall be required to compensate the Claimants, Foreman Northcutt, and Laborers, Beechley, Abernathy, Bond, Ferguson, Watts, Walton, Turner, Fields, Deadman, Stephenson, Jiminez and Body, at time and one-half time, at their respective rate of pay, for time worked preceding their regularly assigned eight hour work period and for time worked following and continuous with their regularly assigned 8 hour work period, beginning May 1, 1962, and all subsequent dates until such time the Carrier complies with our Agreement.

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 Carrier may designate the assembly point of this gang. Under the Mediation Agreement of October 13, 1959 Section 5 employees are not paid for time consumed in traveling from their designated headquarters to the assembling point. The claimants traveled from their designated headquarters to the assembly point and from the assembly point to the designated headquarters on claim dates (see Award 15973 Third Division).

AWARD:

Claim denied.

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

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

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

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