

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. 85

Award No. 86

STATEMENT OF CLAIM:

1. That the Carrier violated the Agreement between the St. Louis Southwestern Railway Lines and the Brotherhood of Maintenance of Way Employees when it refused to allow Caterpillar Grader Operator Helper T. V. Suggett to displace Dragline Operator Helper H. R. Gipson.

2. That the Carrier violated the current Agreement when Carrier's B&B Supervisor, Mr. E. R. Simmons, refused Caterpillar Grader Operator Helper Suggett's request and ordered him to displace Caterpillar Grader Operator Helper J. M. Simmons or go home.

3. That the Carrier shall be required to allow Mr. Suggett to displace Dragline Operator Helper H. R. Gipson.

4. That the Carrier shall be required to pay Caterpillar Grader Operator Helper J. M. Simmons at the rate of Caterpillar Grader Operator Helper rate of pay, \$2.3453 an hour, beginning June 17, 1963 through June 21, 1963.

5. That the Carrier shall be required to pay Caterpillar Grader Operator Helper J. M. Simmons holiday pay for July 4, 1963, as provided in the August 19, 1960 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.

The Claimant Suggett did not displace Gipson after he was told under what circumstances Gipson was working. Suggett displaced Simmons.

Claimant Simmons was properly displaced by senior employee Suggett. Therefore, his claim for being improperly displaced will be denied for the week of June 17, 1963 through June 21, 1963. Claim of Simmons for holiday pay for July 4, 1963 will be denied as the records show that he was a monthly rated employee before and after July 4, 1963.

AWARD:

Claims denied in accordance with Findings.

/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.