

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

READING COMPANY

Award No. 13

Case No. 13

STATEMENT OF CLAIM:

1. That the Carrier violated the effective Agreement when it abolished its B. & B. forces at Port Reading, New Jersey, effective July 2, 1958, reestablishing them on July 8, 1958.

2. That Gang Leader B. Cuiffreda, Mason J. J. Melder, Jr., Mason Helper John Deliman and Carpenters L. DeGuiseppe, J. Kulick, A. Zullo, A. Superior, N. Minucci and M. Giordano be now compensated for one day's pay at their rates of pay on account of this violation of agreement.

OPINION OF BOARD:

The subject claimants comprised a B. & B. gang assigned at Port Reading, New Jersey. On June 30, 1958 Carrier issued a bulletin abolishing the positions of this gang effective at the close of work on Thursday, July 3. On July 1 Carrier issued another bulletin requesting bids for the same positions, setting the closing date for bids as July 6. On July 3 this closing date was corrected to July 14 to allow proper time period for bidding. The incumbents of the positions prior to abolishment were selected as the successful bidders. Meanwhile, the same employes were returned to work on Tuesday, July 8, pending assignment of the jobs that had been posted in the bulletin.

The claimants were paid for the holiday occurring on Friday, July 4, after they had filed a protest. Thus the result of the procedure described above was that the subject gang lost only one day's pay by virtue of not working on Monday, July 7. Pay for this day is the issue in the present claim.

It is clear that the effect of Carrier's action was to lay off the entire crew for one day. Management took this step in order to reduce expenses. Carrier's obligation to operate as efficiently as possible does not justify violation of the Agreement, however. Rule 33(a) provides in pertinent part: "Gangs will not be laid off for short periods, but in lieu thereof junior men will be laid off." In the present instance Carrier laid off an entire gang for a short period in direct violation of the rule. A sustaining award is therefore required.

AWARD:

Claim sustained.

(s) Lloyd H. Bailer

Lloyd H. Bailer, Chairman

(s) A. J. Cunningham

A. J. Cunningham, Employee Member

(s) H. F. Wyatt, Jr.

H. F. Wyatt, Jr., Carrier Member

Philadelphia, Pa.
June 26, 1959