

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
vs.
READING COMPANY

Award No. 35
Case No. 35

STATEMENT OF CLAIM:

1. The Carrier violated the effective agreement by failing to call James P. Flynn, furloughed Gang Leader Carpenter, to relieve Gang Leader Carpenters S. Perun and L. Mills, while they were on vacation during the period October 31 to November 18, 1960.
2. That the Carrier shall now compensate James P. Flynn, furloughed Gang Leader Carpenter, for a day's pay at the Gang Leaders' rate of pay for each and every day he was not assigned during the period referred to in Part 1 of the claim.

OPINION OF BOARD:

Under Article 6 of the Vacation Agreement the Carrier was not required to provide vacation relief in the gang leader position that was filled by advancing regular carpenter C. D. Deibler, Jr. However, if relief was to be provided in this position, the Carrier was required to observe seniority in supplying such relief. Since Claimant Flynn was senior to Deibler as a gang leader, although junior to him as a carpenter, the Carrier was contractually required to assign the claimant to the gang leader position on the dates in question instead of Deibler.

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.,
January 29, 1963.