

SPECIAL BOARD OF ADJUSTMENT NO. 293

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

STATEMENT OF CLAIM:

Claim that the Carrier violated the effective agreement when on December 17, 1960 it assigned a New York and Long Branch Machine Operator to perform work on Section No. 5 Perth Amboy, N. J., on the Central Division.

That a senior Machine Operator on the Central Division, now be reimbursed the equivalent amount of hours consumed by the New York and Long Branch Operator working on the Central Division on December 17, 1960.

OPINION OF BOARD:

On December 11 and 12, 1960, a severe snowstorm occurred in the area involved in the subject claim, which is on the Carrier's Central Division. The necessary snow removal work was not completed until the evening of December 17, 1960. The contention in this claim is that the Carrier violated the labor agreement by assigning a Machine Operator from the New York and Long Branch Division to perform snow removal work on the Central Division on December 17, 1960, although several Machine Operators holding seniority on the Central Division were available for this work. The Machine Operator from the NY & LB Division does not have seniority on the Central Division.

The evidence establishes that Machine Operator Paricheck, who held seniority on the Central Division at the time in question, was available during the hours that the Machine Operator from the NY & LB Division was used on the subject date. Machine Operator Paricheck was not called or otherwise assigned to perform any work on this date.

Under these facts it is manifest that the Carrier violated the Agreement as charged in the claim.

A W A R D: Claim sustained.

/sd/ Lloyd H. Bailer
Lloyd H. Bailer, Neutral Member

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

/sd/ C. S. Strang
C. S. Strang, Carrier Member

Jersey City, N. J.
October 13, 1964.