

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 agreement when during the period from January 22 to February 16, 1961, they failed to call Harold Rehm, furloughed trackman for extra and relief work.

That the claimant now be paid the equivalent amount of hours he would have earned, had he been called for extra and relief work during the period January 22 to February 16, 1961.

OPINION OF BOARD:

During the period involved in this claim the Carrier supplemented its forces on the Allentown area gang and Section No. 1. Claimant Rehm, a furloughed trackman, had previously submitted a letter to the Carrier indicating his availability for all extra and relief work as a track laborer. The contention in this claim is that the Carrier violated the Agreement by failing to call Rehm for extra and relief work arising during the period from January 22 to February 16, 1961, although employees junior to the claimant seniority-wise were utilized during said period. The Carrier's response is that Track Supervisor Geynes telephoned the claimant on two occasions during the period in question but no one answered the telephone. The Carrier notes that the claimant was called on February 4, 1961, and worked as a Crossing Watchman on that date. Management contends the claimant was unavailable thereafter until February 17, 1961, when he walked into the Supervisor's office to inquire concerning available work.

Even though the Carrier may have been unable to make telephone contact with the claimant concerning extra work that arose beginning January 22, 1961, it is evident that Management was able to make contact with the claimant on February 4, 1961 concerning a one day assignment. At that time the Carrier could have advised the claimant concerning such additional extra work as had developed due to supplementing the forces on the Allentown area gang and Section No. 1. The subject claim therefore will be sustained for any days during which an employee junior in seniority to the claimant worked as a trackman subsequent to February 4, 1961 and through February 16, 1961.

A W A R D: Claim sustained to the extent indicated in the above Opinion of Board.

/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.