

AWARD NO. 39  
CASE NO. MW 404

SPECIAL BOARD OF ADJUSTMENT NO. 293

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

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement on September 25 and October 2, 1962, by assigning members of Section No. 2 and Section No. 4, Southern Division, to perform work on Section No. 2, NY&LBR Division.
2. Foreman James Genovese, Assistant Foreman Ralph Edwards, and Track Laborers Emmett Cox, John Cain, William Corrigan, Edward Hondley and Thomas Mitchel, each, be now reimbursed at their respective rates of pay, for an equivalent amount of hours as was consumed by Section Nos. 2 and 4, Southern Division, employees in performing this referred-to work.

OPINION OF BOARD:

On September 25, and October 2, 1962, Nutswamp road in Middletown, N. J., was closed by the local authorities so that the rails in the crossing and the surface could be repaired for better riding conditions. It was necessary that the work performed on each date be sufficiently completed so that the crossing could be re-opened for traffic during the evening hours. The location at which the subject work was performed is on the NY&LBR Division of the Carrier. Since a sufficient number of employees in this Division's track forces was not available to handle the necessary rails and ties that were to be installed, employees of Sections 2 and 4 of the Southern Division were used to assist in the repairs. The Southern Division employees who were assigned to perform the disputed work hold no seniority on the NY&LBR Division.

We full, recognize the seniority barrier between the Southern Division and the NY&LBR Division, but since there were no NY&LBR employees on furlough on the dates involved in this claim, it will be held that no violation of the Agreement occurred.

AWARD: Claim denied.

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

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

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

Jersey City, N. J.  
May 31, 1966