

SPECIAL BOARD OF ADJUSTMENT NO. 488

PARTIES: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 21

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective agreement by giving improper notice of force reduction to Trackmen E. V. Johnson, E. T. Hannahs, Jr., and J. H. Allman, of Extra Gang No. 32122, former Newark Division, in September, 1960.

(2) Claimants, Trackmen Johnson, Hannahs and Allman now be reimbursed one day's pay at their respective rate of pay, in the amount of \$17.056 account of this improper notification."

FINDINGS: We think the purpose and intent of Rule 43 of the Agreement in effect on August 27, 1960 was, simply stated, to give men about to be affected by a force reduction four calendar days advance notice of such intent.

The language chosen by the framers of the Rule indicate that such employees "will" be so advised by notice "furnished" to their headquarters. There is then added parenthetically "and effort will also be made to give personal notice."

We think the prime requirement of the Rule -- four calendar days advance notice -- has been adequately met by Carrier here; hence, we can not justify penalizing the Carrier on a technicality when the employees were not adversely affected.

AWARD

Claim denied.

(s) Edward A. Lynch
Edward A. Lynch, Chairman

(s) A. J. Cunningham
A. J. Cunningham, Employee Member

(s) T. S. Woods
T. S. Woods, Carrier Member

Dated at Baltimore, Md.,
this 7th day of May, 1963.