

SPECIAL BOARD OF ADJUSTMENT NO. 488
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and

THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 51

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

(1) The carrier violated the Agreement of February 24, 1962 by failing to assign furloughed Machine Operator Donald R. Anderson to operate High-lift No. 944-A, and a Road Grader for removing snow at the Buffalo Creek Yards.

(2) Carrier shall now reimburse Claimant Donald R. Anderson for 10 hours at his time and one-half rate account of this violation of his seniority rights."

FINDINGS:

The work here subjected to claim was performed on a Saturday which is not a part of any assignment.

The rules agreement is quite clear in saying that where work is required by the Carrier to be performed on a day which is not a part of any assignment, it may be performed by an available extra or unassigned employee who will not otherwise have forty hours of work that week; in all other cases "by the regular employee."

Carrier's letter declining the claim agrees it was extra work and not a part of any regular assignment.

Carrier should have offered it to an available extra or unassigned employee who did not have 40 hours of work that week. Claimant Donald R. Anderson fits the category and should have been called. The claim will be sustained for ten hours at pro rata only.

AWARD: Claim sustained at pro rata only.

/s/ Edward A. Lynch _____
Edward A. Lynch, Chairman

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

/s/ W. B. Kohler (Dissent) _____
W. B. Kohler, Carrier Member

Dated at Baltimore, Maryland,
this 29th day of June, 1965.