

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

and

THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 63

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

(1) The Carrier violated the effective Agreement by notifying the senior trackman in Extra Gang 22323 that he was to be furloughed, in lieu of giving a furlough notice to the junior trackman of this gang.

(2) The Carrier violated the effective Agreement by failing to give Trackman D. R. Gray five working days' advance notice that his position of trackman in Extra Gang No. 22323 was being abolished.

(3) Trackman D. R. Gray be now reimbursed in the amount of five days' pay at his trackman's rate on account of the violation of the agreement."

FINDINGS: Here the Organization argues that this Carrier, by a new National Agreement which became effective June 16, 1962, amended its Rule 43 "from a four calendar day advance notice to employees 'affected' in a force reduction, to a five working days' advance notice."

We agree. A sustaining Award is required.

AWARD: Claim sustained for July 24, 25, 26, and 27, 1962.

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

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

/s/ W. B. Kohler
W. B. Kohler, Carrier Member

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