

SPECIAL BOARD OF ADJUSTMENT NO. 498

PARTIES: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

GREAT NORTHERN RAILWAY COMPANY

AWARD IN DOCKET NO. 22

STATEMENT OF CLAIM: The claim in dispute has been identified by the Organization as follows:

"Claim of the System Committee that:

1. The Carrier violated the effective Agreement by failing to compensate Machine Operator Lewis W. Urbiha for September 11 and 12, 1961, while he was breaking-in on the Nordberg Trakliner at Bena, Minnesota.

2. Machine Operator Lewis W. Urbiha be now allowed two days' pay at the Track Laborer's pro rata rate on account of this referred-to violation of the Agreement."

FINDINGS: Rule 19 (a) provides in part:

"RULE 19 (a). FAILURE TO QUALIFY. ***** Employees will be given reasonable opportunity in their seniority order to qualify for such work as their seniority may entitle them to, without additional expense to the Company.

The phrase without additional expense to the Company is not synonymous with the phrase without pay or at the expense of the employee. Both parties assert that prior practice supports their contentions. The only evidence thereon supports the claim for laborer's pay while breaking in on the Nordberg Trakliner.

AWARD: Claim sustained.

Dated at St. Paul, Minn., this 26th day of November, 1963.

(s) Dudley E. Whiting
Dudley E. Whiting, Referee

(s) A. J. Cunningham
Organization Member

(s) T. C. DeButts
Carrier Member