

SPECIAL BOARD OF ADJUSTMENT No. 498

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

PARTIES:

VS.

GREAT NORTHERN RAILWAY COMPANY

AWARD IN DOCKET No. 4

STATEMENT

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

(1) The Carrier violated the agreement and supplements thereto when it required Track Foreman S. Klick to assume more than 25 percent of the work load of Yard Foreman Merle Spencer while the latter was on vacation on June 7, 10, 14, 17, 21 and 24, 1960.

(2) District Roadmaster R. Marshall failed to notify Claimant Klick, within 60 days of the date claim was presented, that claim was disallowed, thereby defaulting under the provisions of the Claim and Grievance Rule.

(3) The decisions by District Roadmaster Marshall, by Assistant Superintendent M&E, B. Trembl, by Superintendent H. J. Surles and by General Manager Whitman did not give cognizable reasons for their respective disallowances of the claim.

(4) Because of the violations referred to in Parts 1, 2 and 3 of this claim, the Carrier shall be required to allow the claim presented by the claimant in his letter dated June 30, 1960 and which was personally handed to District Roadmaster Marshall on the same date."

FINDINGS: This claim is by the same claimant as in Case No. 3 for the following year. In this case he was given specific written instructions regarding the duties and responsibilities of the vacationing foreman assigned to him. It is obvious that the duties and responsibilities so assigned did not exceed twenty five percent of the work load of the vacationing employee.

Under the provisions of Section 10 (b) of the vacation agreement the criteria is the amount of the work load of the employee on vacation which is assigned or distributed by the Carrier to other employees. This may not in all cases be the same as the amount of time claimed to

have spent in its performance by the employee to which the work was assigned. It is obvious that the claim in this case is of that latter type and is not, merely by reason of the hours claimed, sustainable under the pertinent agreement provisions.

AWARD: Claim denied.

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

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

(s) T. C. DeButts
T. C. DeButts, Carrier Member

Dated at St. Paul, Minnesota,
this 6th day of August, 1963.