

SPECIAL BOARD OF ADJUSTMENT NO. 541

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
And  
ERIE LACKAWANNA RAILWAY COMPANY

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to assign Carpenter Helper-Truck Driver, Richard Caravello, the regularly assigned truck driver for the carpenter gang, to the overtime work for three hours each day beginning July 2, 3, 20, 21 and 23, 1964, and on all days thereafter until this condition has been corrected.
2. Carpenter Helper-Truck Driver Richard Caravello be now compensated for this loss of overtime due to the Carrier's violation of the Agreement.

FINDINGS:

On each of the claim dates, Claimant, a carpenter helper whose duties included operating the group's truck, worked his regular assignment. A loading carpenter drove another truck on those days to transport another lead carpenter and himself, to inspection sites and the question at issue is whether or not claimant should have been called to perform that work on an overtime basis. No additional circumstance or agreement has been presented here that calls for a result at variance with the decision reached in Award 31.

We are not persuaded that carpenter or plumber helpers have the exclusive right to drive trucks for their gangs either by agreement or by past practice and will deny the claim.

AWARD: Claim denied.

Dated at New York, N.Y., this 6th day of February, 1969.

/s/ Harold M. Weston

Harold M. Weston, Neutral Member

/s/ A. J. Cunningham

A. J. Cunningham

/s/ R. A. Carroll

R. A. Carroll, Carrier Member