

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 overtime work to Plumber Helper-Truck Driver Walter Hackett, in the driving of his truck in night time hours on emergency work from June 29 to July 8, 1964, inclusive.
2. The Carrier shall now compensate Claimant Plumber Helper-Truck Driver Walter Hackett at his Plumber Helpers rate of pay for all time lost due to this violation of the agreement.

FINDINGS:

Claimant, a plumber helper whose duties included operating the gang's truck, worked his assignment on each of the claim dates. At night on each of those dates, a plumber drove the truck to perform certain repairs. The claim is that the plumber helper should have been called upon to perform that night work on an overtime basis.

The difficulty with Petitioner's contention is that, as we pointed out in Award 31, neither the applicable agreement nor evidence of past practice provides a basis, in our opinion, for holding that the operation of a truck assigned to a plumbers' gang belongs exclusively to the plumber helper. The posting and advertisement of the positions are merely descriptive of the duties mentioned and do not establish exclusivity. We are not satisfied from the record that Carrier has committed itself to the proposition that in small plumber groups, all truck driving work belongs only to the plumber helper. The claim will be denied.

AWARD: Claim denied.

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

/s/ Harold M. Weston

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Harold M. Weston, Neutral Member

/s/ A. J. Cunningham

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A. J. Cunningham, Organization Member

/s/ R. A. Carroll

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R. A. Carroll, Carrier Member