

AWARD NO. 4
ITEM: 94

SPECIAL BOARD OF ADJUSTMENT NO. 541
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
AND
ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

"1. The Carrier violated the effective Agreement by failing to continue Maintenance of Way Department Plumber Samuel Comer on the assignment given him on October 9, 10 and 11, 1961, that of operating a drawbridge at Newark, but instead replacing him with a Telegraph Operator.

"2. Maintenance of Way Plumber Samuel Comer be now compensated at the time and one-half or double-time rate which ever applies from and including October 12, 1961, through October 16, when this violation of the Agreement was discontinued."

FINDINGS:

It is undisputed that the telegraphers are the regular operators of the Newark Drawbridge, since it normally is electrically controlled. The temporary seven or eight day use of the gasoline auxiliary engine, a fixed component part of the bridge, to operate the bridge while its electrical controls were undergoing repairs due to fire damage, was incidental to the normal operation of the drawbridge and was the telegraphers' responsibility.

The applicable Agreement accordingly was not violated and the claim must be denied.

AWARD:

Claim denied.

Dated at New York, N. Y., this 25th day of August 1964.

/s/ Harold M. Weston
HAROLD M. WESTON, REFEREE

/s/ Arthur J. Cunningham
ORGANIZATION MEMBER

/s/ R. A. Carroll
CARRIER MEMBER