

SPECIAL BOARD OF ADJUSTMENT NO. 608

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

Award No. 18  
Case No. MW-1

THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC

RAILWAY COMPANY

QUESTIONS AT ISSUE:

- (a) Is Extra Gang Laborer J. A. Jones a protected employee under Article I, Section 1 of the Agreement of April 3, 1965?
- (b) Should extra Gang Laborer J. A. Jones be allowed eight (8) hours' pay for each work day and for each holiday within the period beginning with February 14, 1966 and ending with the day he was thereafter restored to service?

FINDINGS:

The record discloses that Claimant Jones is a protected employee under Article I, Section 1 of the Agreement of April 3, 1965. The record does not establish that claimant took the action which was necessary to ensure his entitlement to protected benefits under this Agreement for the period commencing with his layoff and extending to, but not including, April 18, 1966. Protected benefits therefore are not due him for this period.

But claimant is entitled to eight (8) hours pay for each work day during the period beginning April 18, 1966 and extending to his return to work as of May 11, 1966, because of Carrier's failure to post the required bulletin establishing a rail gang effective April 18, 1966 on claimant's seniority district. Claimant's seniority was sufficient to entitle him to a position in this gang which Carrier activated on the above-indicated date.

A W A R D

The award is as stated in the above FINDINGS.

Lloyd H. Bailer  
Lloyd H. Bailer, Neutral Member

J. J. Berta  
J. J. Berta, Employee Member

M. G. Stevens  
M. G. Stevens, Carrier Member

A. J. Cunningham  
A. J. Cunningham, Employee Member

J. L. Ferrell  
J. L. Ferrell, Carrier Member

Dated: June 24, 1968