

PUBLIC LAW BOARD NO. 556

)
PARTIES)
TO)
DISPUTE)

United Transportation Union
(Formerly Brotherhood of Railroad Trainmen)

and

) The Chesapeake and Ohio Railway Company - Eastern and Central Regions
(Excluding Hocking Division)

STATEMENT OF CLAIM:

Claim of Conductor W. A. Cosby, Brakemen M. Krankovich, G. R. Lehman and J. R. McCormick for one (1) day each in addition to other time earned, November 19, 1962, Extra 5976 East.

JURISDICTION:

The jurisdiction of this Board is stated in its Award No. 1. That statement is incorporated herein by reference thereto.

FINDINGS:

On November 19, 1962, the Claimant Conductor and Brakemen were engaged in performing local freight service. The crew was instructed to detach their engine and move it over a new track, being constructed, to pack it down. Approximately 15 minutes of time was consumed in the performance of the assignment.

On the claim date Claimants remained on duty for 10 hours and 17 minutes.

Rule 79(d) of the Conductors' and Trainmen's Agreement reads:

Local Trainmen will be required to do a reasonable amount of maintenance of way work. This work to be so arranged each day as to enable the run to be made within ten (10) hours.

The pivotal issue in this dispute is whether the work described supra was maintenance of way work within the contemplation of Rule 79(d).

In the railroad industry it is common knowledge that the work of constructing track is reserved to maintenance of way employes. The packing down of the track is an integral part of its construction. We find, therefore, that the work here involved was maintenance of way work within the contemplation of Rule 79(d).

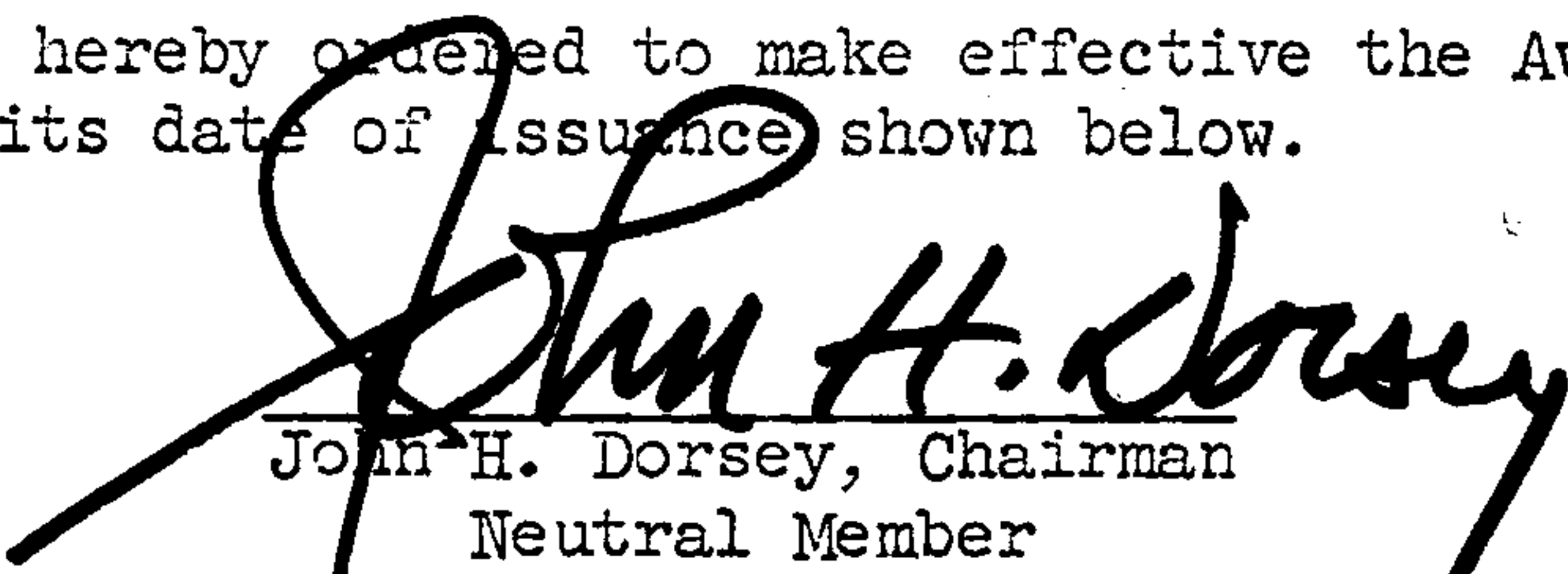
The claim requests that claimants be allowed one (1) day's pay each "in addition to other time earned" on the date involved. The amount of compensation to which claimants are contractually entitled is an additional day at the work train rate less overtime already allowed in excess of ten (10) hours account of performing that service. See Award No. 17490, First Division, National Railroad Adjustment Board. We will award accordingly.


AWARD:


Claim sustained with monetary compensation to the extent prescribed in FINDINGS, supra.

ORDER:

Carrier is hereby ordered to make effective the Award, supra, within thirty (30) days of its date of issuance shown below.


John H. Dorsey, Chairman
Neutral Member


K. E. Stephenson, Carrier Member


H. R. Watts, Jr., Employe Member

Issued at Huntington, West Virginia, this 26th day of February, 1971.