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NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION

Award No. 25189

Docket No. 44864

01-1-99-1-U-2111

The First Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

(Brotherhood of Locomotive Engineers  
PARTIES TO DISPUTE: (  
(Union Pacific Railroad Company (former Chicago and  
( Eastern Illinois Railroad Company)

STATEMENT OF CLAIM:

"Various claims of Engineer G.T. Smith for \$230.00 per day, each date, from June 06, 1997 until February 28, 1998, inclusive, plus a basic day penalty claim for each of the aforementioned dates, account violation of the Peer Training Agreement and Agreed to Questions and Answers, as well as Item No. 2 and Item No. 6, System Agreement - Claims Handling Process."

FINDINGS:

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

On June 6, 1997, the Claimant, Engineer G. T. Smith, was reduced from the position of Peer Trainer, while junior seniority engineers K. J. Cummings and G. L. Page remained in the position of Peer Trainer. The parties signed Agreed to Questions and Answers pertaining in part to Peer Training on February 20, 1997 which were in

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effect on June 6, 1997. A Question and Answer dealt with the matter of reduction of Peer Trainers as follows:

“Q. What process should be used when there is a need to reduce the number of full time peer trainers?

A. First, the group working as peer trainers should be canvassed for volunteers who wish to return to the ranks of locomotive engineers. If there are insufficient volunteers, further reduction should be made in reverse seniority order.”

The Carrier violated the above set forth Agreed Question and Answer when it reduced the Claimant while keeping junior seniority engineers as full time Peer Trainers.

In the claim before the Board, the Organization seeks \$230.00 per day for the Claimant, which is the daily rate for Peer Trainers, plus a basic day penalty claim for each date from June 6, 1997 until February 28, 1998 inclusive, in addition to all of the Claimant's other earnings.

Problems exist with the positions of both parties as the Board considers appropriate remedy options. Problems such as timely declinations regarding the Carrier's handling of certain claims, and the Organization's limited claim filings in June and July. Subsequent to the Claimant having been improperly reduced from the position of Peer Trainer he regularly earned wages as a Locomotive Engineer, and on many dates during the claim period he earned more than the Peer Trainer rate. Under the narrow facts of this particular record we believe that the proper remedy is to make the Claimant whole for the entire period of time during which he was removed from the program and a junior engineer was allowed to continue as a full time Peer Trainer in the program. Basic day penalty payments are inappropriate in the record before us. Please refer to Carrier Exhibit E-3 page 1 of 18. The Peer Trainer position is a “30-day assignment.” The Claimant, thus, should have earned \$230.00 per day for the 15-day, pay period of pay period 1 June 1997. He thus should have earned \$3,450.00 for this period. He was actually paid \$2,806.73 for this period. The Carrier then is required to make the Claimant whole \$643.27 for this pay period. And the Carrier is required to make the same calculations for each pay period for the entire claim period where a junior engineer was allowed to continue as a full time Trainer in the program and the

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Claimant remained removed from the program. The Claimant's pay records are set forth in Carrier Exhibit E-3, pages 1-18. Jurisdiction is maintained for one year from the date of this Award should a question arise as to the implementation of this remedy.

### AWARD

Claim sustained in accordance with the Findings.

### ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of First Division

Dated at Chicago, Illinois, this 5th day of March, 2001.