

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood Railway Carmen/Division of TCU
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

1. That The Atchison, Topeka and Santa Fe Railway Company violated the September 1, 1974 Agreement, as amended, specifically Rule 20; and Article IV, Section 1(b), and Letter No. 3 of the November 19, 1986 National Agreement, by requiring Carmen Richard Heimlich, Vernon Fenton, Robert Perez and Joe Garcia to perform work on non-intermodal equipment/cars and only compensating them at the intermodal rate of pay.

2. That accordingly, The Atchison, Topeka and Santa Fe Railway Company be ordered to additionally compensate Carman Richard Heimlich, et al., each eighty-one (81¢) per hour, the difference between the intermodal hourly rate of pay of (\$13.29) and the non-intermodal hourly rate of pay (\$14.10), for a total of forty-four and one-half hours (44 1/2) that they were required to perform work on non-intermodal equipment/cars while being compensated the lower intermodal rate, in the following manner.

Richard Heimlich	14 hours X 81¢ = \$11.34
Vernon Fenton	11.5 hours X 81¢ = \$ 9.32
Robert Perez	11.5 hours X 81¢ = \$ 9.32
Joe Garcia	7.5 hours X 81¢ = \$ 6.08

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

The dispute in this case is identical to that involved in Award 12122 of this Division. For the reasons stated therein, Claimants are entitled to the compensation claimed on dates they worked on non-intermodal cars for more than half the work day.

Form 1
Page 2

Award No. 12126
Docket No. 11936
91-2-90-2-56

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of September 1991.