

Award No. 2037

Docket No. 1843

2-PULL-EW-'56

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee David R. Douglass when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That at the Atlanta Pullman Shops on November 28, 1953, the Pullman Company violated controlling agreement when one of their representatives failed to properly distribute overtime in the Electrical Department.

2. That Electrician G. F. Tennant be compensated for the time that Electrician J. G. Hayes was assigned to work overtime on November 28, 1953, at the time and one-half rate.

EMPLOYES' STATEMENT OF FACTS: That at the Atlanta Pullman Shops on Saturday, November 28, 1953, it was necessary to work an electrician to assist Electrician C. D. Settles to work on an A. C. motor generator. Electric Shop Foreman Redden knew that Electrician G. F. Tennant was next out to work as he contacted one of the committeemen regarding same. After he was told by the committeeman that Electrician Tennant was next out for overtime, he said he was not going to let him work. He then assigned Electrician J. G. Hayes to work on the job.

The agreement effective July 1, 1948, as subsequently amended, is controlling.

POSITION OF EMPLOYES: That The Pullman Company violated the rules of the controlling agreement when one of their representatives failed to properly distribute overtime under Rule No. 36 and the memorandum of understanding signed by The Pullman Company and System Council No. 24; Rule No. 36 reading in part:

"Distribution of Overtime. All time worked outside of bulletined hours shall be distributed as equally as possible between the employes involved."

The foregoing portion of Rule 36 clearly states that all time worked outside of bulletined hours shall be equally distributed.

shall be removed before the work is completed and that an employe not familiar with the work shall be assigned.

The claim in behalf of Electrician Tennant is without merit and should be denied.

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 employe 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.

The parties to said dispute were given due notice of hearing thereon.

This case is controlled by our Award No. 2035 (Docket No. 1841).

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 18th day of January, 1956.