

Award No. 3088

Docket No. 2830

2-MP-CM-'59

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Thomas A. Burke when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the current agreement was violated, particularly Rule 10, when B. E. Ford was improperly compensated for changing from the first to the third shift on July 20th, 1956.
2. That accordingly, the Carrier be ordered to additionally compensate B. E. Ford in the amount of four (4) hours' pay at the straight time rate.

EMPLOYEES' STATEMENT OF FACTS: Carman B. E. Ford, hereinafter referred to as the claimant, is employed by the Missouri Pacific Railroad Company, hereinafter referred to as the carrier, at the Union Passenger Station, Little Rock, Arkansas. The claimant was employed on the first shift, 7:00 A.M. to 3:00 P.M., at the time Bulletin No. 71 was posted on July 16, 1956, effective 3:00 P.M., Friday, July 20, 1956, herewith submitted as employes' Exhibit A. This bulletin (No. 71) in effect abolished one (1) coach carpenter's and one (1) car inspector's job, parties affected: A. M. Summers and W. H. Delozier. Following the posting of Bulletin No. 71, Mr. A. M. Summers, one of the parties affected by the bulletin, placed himself on the third shift and was paid time and one-half for the first change of shift, of which there is no dispute.

Mr. W. H. Delozier, the other party affected by Bulletin No. 71, placed himself on another first shift job held by the claimant, Mr. B. E. Ford, who then had no place to go but the third shift where a junior man was cut off in force reduction. This bulletin, which was by action of the carrier, caused the claimant to go from the first shift to the third shift and he was only compensated at the straight time rate. Had it not been for the carrier's action, the claimant would **not have been forced** to change shifts. The claimant did not exercise seniority as provided in Rule 10 and Interpretation of Rule 10,

Notwithstanding this fact, your Board held his claim was without merit. A similar conclusion was reached by your Board in Award No. 2225, also involving the carmen and this carrier's Texas property, formerly known as I-GN Railroad Company.

For these reasons there is no basis for the instant claim and it must 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.

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

Claimant, B. E. Ford, was employed on the first shift at the time Bulletin No. 71 was posted abolishing two jobs. Thereupon, A. M. Summers, one of the parties affected by the bulletin, placed himself on the third shift. W. H. Delozier, the other party affected by Bulletin No. 71, placed himself on another first shift job held by the claimant herein, B. E. Ford. B. E. Ford then placed himself on the third shift where a junior man was cut off in force reduction. Claimant was only compensated at the straight time rate. He is claiming four hours' additional pay at the straight time rate.

It seems to us that Rule 10 as clarified or interpreted by Decision No. SC-69 clearly sustains claimant's position.

This Division took the same position in Awards 2789 and 2844 of this Division.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 19th day of January, 1959.