

**Award No. 4374  
Docket No. 4388  
2-AT&SF-EW-'63**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee J. Harvey Daly when the award was rendered.

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L. — C. I. O. (Electrical Workers)**

**ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY  
(Coast Lines)**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That under the provisions of the current Agreement non-licensed Electronic Technician, M. C. LaSalle, was unjustly dealt with and the terms of the Agreement were violated when the Carrier refused to assign Mr. LaSalle to work Monday, September 4, 1961, which was one of the days in his regular assignment, account it was a Holiday.
2. That accordingly, the Carrier be ordered to compensate Mr. M. C. LaSalle, eight (8) hours at his regular time and one-half rate.

**EMPLOYEES' STATEMENT OF FACTS:** Non-licensed Electronic Technician, M. C. LaSalle, hereinafter referred to as the claimant, is a regular hourly rated employe of the Atchison, Topeka and Santa Fe Railway Company, hereinafter referred to as the Carrier, at their 8th street coach yard radio shop, in Los Angeles, California. The claimant has a work week of Monday through Friday, rest days Saturday and Sunday, and his classification is non-licensed electronic technician. His duties consist of checking, repairing, removing and replacing radios, music equipment and their component parts on diesel engines, passenger cars and cabooses.

Monday, September 4, 1961, (Labor Day), the claimant was denied the right to work his regular job on an overtime basis.

This dispute has been handled with the proper carrier officers designated by the company to handle appeals, with the result that they have refused to make any adjustments or correct the condition.

The agreement effective August 1, 1945, as subsequently amended, is controlling.

**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.

The instant dispute involves the same principle and parties and essentially the same factual situation as in Award No. 4370 and the Board holds that Award to be controlling. Accordingly, the claim is denied.

#### **AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **SECOND DIVISION**

**ATTEST:** Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 20th day of December, 1963.