

Award No. 4530

Docket No. 4465

2-GN-FO-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Jacob Seidenberg when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. - C. I. O. (Firemen and Oilers)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement other than Classified Laborers were assigned as Engine Watchmen at Hibbing, Minnesota.

2. That accordingly, the Carrier be ordered to pay Roundhouse Laborers Harry Palmquist and Ernest Nelson 8 hours each at the straight time rate of Classified Laborer five days per week and for 12 hours at the straight time rate for each Saturday and Sunday for as long as other than Classified Laborers were used as Engine Watchmen, retroactive, to December 25, 1961.

EMPLOYEES' STATEMENT OF FACTS: Mr. Harry Palmquist and Mr. Ernest Nelson, hereinafter referred to as the claimants, have been employed as Roundhouse Laborers at the Kelly Lake, Minnesota roundhouse of the Great Northern Railway Company, hereinafter referred to as the carrier, since 1933.

Prior to, or about December 1, 1961, the two claimants had been regularly employed as roundhouse laborers in the carrier's facility at Kelly Lake. However, on or about the above mentioned date, carrier elected to close down its Kelly Lake roundhouse and establish a new tying-up point for its local freight engine at Hibbing, Minnesota, about 3½ miles from Kelly Lake. Instead of placing the two claimants on the assignments at Hibbing, they were furloughed and carrier assigned two roundhouse foremen, Howard Messner and Steve Zozgornick to perform the various duties and assume responsibilities as engine watchmen.

Mr. Messner has an assignment from 4 P. M. to midnight Monday through Friday, and Mr. Zozgornick an assignment of midnight to 8 A. M. Monday through Friday. From 4 P. M. Saturdays to 8 A. M. Mondays, these two foremen alternate 12 hour assignments to provide continuous duty. These assignments continued for the full length of the claim, except that during the period from December 1, 1961 to January 29, 1962 other assistant foremen were used during the same hours on a temporary basis due to illness and vacations of the two regularly assigned foremen.

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 waived right of appearance at hearing thereon.

The Division finds that the issue in controversy in these claims is identical to the ones which the same parties raised before this Division and which were ruled upon in Award No. 4464. The only difference in the two claims is that Award No. 4464 pertained to claims filed for the winter of 1960-61 and the present case pertains to claims for the winter of 1961-62.

The Division is of the opinion that its Award No. 4464 was a proper disposition of the issue in controversy, and in the interests of continuity and stability of Rulings, the Division sees no valid reason for departing from the reasoning and findings set forth in the aforementioned Award.

It is because of these compelling reasons that the Division must deny the instant claims.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of June, 1964.