

Award No. 4588

Docket No. 4416

2-GN-CM-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. — C. I. O. (Carmen)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the current agreement was violated when the Carrier failed to compensate Carmen Philip Frediani and Alex Panos for time waiting to return to home point on September 27, 1961, and

2. That accordingly, the Carrier be ordered to compensate Carmen Philip Frediani and Alex Panos twelve and one-half (12½) hours at time and one-half rate for September 27, 1961.

EMPLOYEES' STATEMENT OF FACTS: The Great Northern Railway Company, hereinafter referred to as the carrier, employs Carmen Philip Frediani and Alex Panos, hereinafter referred to as the claimants, at Great Falls, Montana with assigned hours of duty from 7:30 A. M. to 4 P. M. — thirty minutes for lunch.

On September 27, 1961, claimants were instructed by their supervisor to proceed by company highway truck to Franklin, Montana to rewheel car GN X1081 and upon completion of such work assignment they were to proceed to Harlowton, remain thereat overnight, until 7:30 A. M. the following morning and return to Great Falls during the hours of their assignment at home point.

The duty assigned to be performed at Franklin was completed by the claimants at 6 P. M. In conformity with instructions of their foreman, claimants proceeded to Harlowton, arriving at 7 P. M., remained at Harlowton over night — waiting until 7:30 A. M., September 28, 1961 to begin their return to Great Falls.

Carrier has refused to compensate the claimants for the time spent in waiting at Harlowton from 7 P. M. September 27, 1961 to 7:30 A. M. September 28, 1961 — a period of twelve and one-half (12½) hours.

This dispute has been handled with all carrier officers designated to handle such matters, all of whom have declined to adjust it.

4. The lack of limitations on the maximum length of the non-compensated rest period and the time it may be assigned under Rule 22(b) contrast sharply with the more restrictive provisions for assigning rest periods to wrecking service employes under Rule 22(c).

5. The claimants were tied up for overnight rest periods under Rule 22(b) in conformance with the carrier's responsibility and duty to operate its business in a safe, efficient and economical manner.

6. The organization's contentions that rest periods must be given before freight car repairs are completed and then only in the employe's own discretion without any regard for the safety and economy of operations, are obviously illogical, absurd and wholly unsupported by any language in the agreement.

7. The carrier's interpretation of Rules 22(a) and 22(b) is supported by past practice, and the failure of the Organization to appeal the decisions of the carrier which rejected previous attempts by this organization to change the application of those rules.

8. Award No. 1637 of this board, involving rules, facts and issues directly in point, supports the carrier's position and should be followed in this case.

For the foregoing reasons, the carrier respectfully requests that the claims of the employes 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 waived right of appearance at hearing thereon.

The facts are essentially the same as in Award No. 4584 and the submissions contain similar evidence and arguments.

The Parties agree that a like Award should be rendered in both cases. Consequently, in keeping with the reasons set forth in Award No. 4584 the claims must be denied.

AWARD

Claim denied.

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

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

Dated at Chicago, Illinois, this 30th day of October 1964.