

Award No. 4615

Docket No. 4551

2-CRI&P-F&O-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee P. M. Williams when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'

**CHICAGO, ROCK ISLAND & PACIFIC
RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the controlling agreement Firemen & Oiler Committeemen Ben Thompson, C. W. Hedrick and F. L. Smith were unjustly denied pay while attending investigation during regular working hours on May 22, 23, 24, 25 and 28, 1964.

2. That accordingly, the carrier be ordered to compensate Committeemen Thompson, Hedrick and Smith as follows:

Ben Thompson—8 hours @ the pro rata rate for each of the dates of May 24, 25, 28, 1962.

G. W. Hedrick—8 hours @ the pro rata rate for each of the dates of May 22, 23, 28, 1962.

F. L. Smith—1 hour @ the pro rata rate for each the dates of May 22, 23, 24, 28, 1962.

EMPLOYEES' STATEMENT OF FACTS: Under date of May 19, 1962, Laborers R. D. Johnson and James Echols, covered by the firemen & oilers' agreement, were jointly notified, along with others, to appear for formal investigation to be held in the superintendent's office at Blue Island, Illinois, Tuesday, May 22, 1962, 8:00 A. M. (C.S.T.)

Laborers Echols and Johnson presented themselves for this investigation at the appointed time and place, along with their designated representative, the duly authorized local committee of the firemen and oilers, composed of Messrs. F. L. Smith, G. W. Hedrick and Ben Thompson.

except on approval of the parties signatory hereto." The carrier signatories thereto are the:

Personnel Officer
Manager of Personnel
General Superintendent of Motive Power

and an award bottomed on the premise that a valid local agreement existed on this subject is clearly wrong, because the authorized carrier representative never approved such an arrangement.

The interpretation of the rule is what is in dispute—unclouded by any local practice—as no agreement in behalf of local practice exists, and the carrier feels it is entitled to an interpretation from the Board on the rules involved, absent any other factor. The interpretation of the carrier is exactly the same as that of the carrier in Award 3260 under similar rules. The Board in that case did interpret the rules, as should have been done in Award 3845—but which was not done.

The carrier feels the foregoing is most conclusive to the fact that the position of the organization is totally without agreement support and the claim 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.

Parties to said dispute waived right of appearance at hearing thereon.

The three claimants involved in this matter compose the duly authorized local committee of the employes. On the dates in question they attended a formal investigation in their capacities as committeemen for the employes under investigation. The claimants requests for pay for their regular assigned work hours missed during the investigation hearings was denied by the carrier. The denial of the requests for pay are the basis for the claims before us.

Award #3845 of this Division pertained to this same carrier and involved a similar dispute. The rules involved herein contain identical language to those interpreted in that award.

The record before us contains evidence to the effect that the parties herein had agreed, prior to the rendering of Award #3845, to apply the decision reached therein to a dispute then existing between them. Moreover, the carrier paid the earlier claim of this organization in accordance with the understanding arrived at by letter.

There are no significant additional facts presented to us in this docket that causes us to believe that the decision of Award #3845 was in error and should be ignored or that it was based on a local condition and should not be followed elsewhere. Therefore, we choose to follow that prior award and we find that the claims of the employes should be paid.

AWARD

Claims sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: William B. Jones
Chairman

E. J. McDermott
Vice Chairman

Dated at Chicago, Illinois, this 10th day of December, 1964.