

Award No. 4987

Docket No. 4938

2-C&O-MA-'66

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Southern Region)**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement the Carrier improperly assigned Machinist Carl Palmer for overtime work on the first shift 7:00 A.M. to 3:00 P.M. on May 23, 1964 at Russell Terminals, Russell, Kentucky. Machinist Palmer was called from a general overtime call board which is separate and apart from a special overtime call board known as a **shop machinery call board** on which work Machinist Palmer was assigned after reporting at 7:00 A.M. on May 23, 1964.

2. That accordingly the Carrier be ordered to compensate the hereinafter named employe for eight (8) hours pay at machinist time and one-half rate of pay for May 23, 1964 as he stood first out on the special shop machinery call board at the time and date in question. His classification and name is as follows:

Don Caudill - Machinist

EMPLOYEES' STATEMENT OF FACTS: The Chesapeake and Ohio Railroad Company, hereinafter referred to as the carrier, on May 23, 1964 did assign a machinist from the general overtime board to perform work that is covered from a special overtime call board referred to as **shop machinery call board**.

The men carried on the special call board (shop machinery) do not participate in the general overtime call board and vice versa — Rule No. 11 Sec. (10) "It is understood that past practice will continue with respect to calling men for overtime who are assigned to special services, such as repairs to coal elevators and power plant machinery, etc."

In the instant case, there was no need to call a man from the shop machinery overtime board. The regular force merely had excess time and a man was used to fill out his day doing preventive maintenance on shop machinery. The fact that the man used was working at punitive rate did not deny claimant of work to which entitled as no one would have been called from the shop machinery overtime board unless there had been an emergency on the day in question which could not have been handled by the regular force.

The work in question was performed in accordance with the practice of many years duration at Russell and other points on carrier's territory. There has been no violation of Rule 11, Section 10, or any rule of the agreement.

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 were given due notice of hearing thereon.

At Carrier's Russell, Kentucky, facility, two separate overtime boards are used. One, the general overtime call board, serves diesel repair while the other, the special call board, serves shop machinery repair.

A machinist named Palmer was called on May 23, 1964, from the general board to change air equipment on a diesel unit but that work proved to be unavailable when he reported for duty. Rather than send him home, Carrier had him perform routine shop machinery maintenance.

The use of an employe called from the general board instead of a machinist from the special board to perform shop machinery maintenance under the present circumstances constitutes a violation of the Agreement. Accordingly paragraph 1 of the claim will be sustained. Since Claimant would have received a minimum call if the Agreement had been properly applied, paragraph 2 of the claim will be sustained to the extent that Claimant will be compensated for a minimum call.

AWARD

Claim sustained to the extent indicated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 18th day of November, 1966.

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