

Award No. 5607
Docket No. 5443
2-AT&SF-CM-'68

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Francis B. Murphy when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)

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

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement Carman L. J. Pipitone was unjustly deprived of his right to work the first seven (7) hours of his own shift, beginning at 7:30 A. M. on December 24, 1963 at Bakersfield, California.

2. That accordingly the Carrier be ordered to compensate Carman L. J. Pipitone for seven (7) hours at the applicable freight carman's rate account of the aforesaid violation.

EMPLOYEES' STATEMENT OF FACTS: The Atchison, Topeka and Santa Fe Railway Company, hereinafter referred to as the Carrier, maintains a force of carmen and car inspectors, and the car repair forces are regularly assigned on one (1) eight-hour shift, with assigned working hours of 7:30 A. M. to 12 noon, and 12:30 P. M. to 4 P. M. Carman L. J. Pipitone, hereinafter referred to as the Claimant, was assigned to the above-mentioned working hours on the repair tracks, with a regular assigned work week of Monday through Friday, rest days of Saturday and Sunday, at Bakersfield, California.

On December 23, 1963 the Claimant was directed by the Carrier's Supervision not to report on his regular assigned car repairer's position on December 24, 1963, rather to report to the trainyards on the second shift to fill a vacancy created through a seniority move which was being bulletined.

This dispute has been handled up to and including the highest officer so designated by the Carrier, who all have declined to make satisfactory settlement.

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

All that is contained herein has been both known and available to the Employees or their representatives.

(Exhibits not reproduced.)

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 claimant in this case was transferred from one shift to another shift, under orders from his foreman. He was paid the equivalent of 12 straight time hours for 8 hours work on the date named in the claim, namely, December 24, 1963, which is a requirement of Rule 12. This rule permits such a transfer and clearly provides therefor. The claim is without merit since the claimant's regular assignment was blanked on December 24th.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 17th Day of December, 1968.