

Award No. 5991
Docket No. 5816
2-SLSW-(CM)-'70

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 45, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)

ST. LOUIS-SOUTHWESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the rules of the current controlling agreement the Carrier improperly established a fourth shift of Carmen in the Gravity Yard at Pine Bluff, Arkansas on January 7, 1968.

2. That accordingly the Carrier be ordered to additionally compensate Carmen R. B. Wilson, J. T. Wright, W. D. Bussell, T. M. Harper, O. O. McEntire, W. H. Fergusson, and B. W. Hankins for one and one-half hours each at the pro rata rate for January 7, 1968, and one and one-half hours at pro rata rate for each Carman working on the Cleaning Track, including Dock 10, each day the violation continues subsequent to January 7, 1968.

EMPLOYEES' STATEMENT OF FACTS: The St. Louis Southwestern Railway Lines, hereinafter referred to as the Carrier, maintains at Pine Bluff, Arkansas, a hump-yard, commonly known as "The Gravity Yard", a portion of which is designed for making up, inspecting and running of trains through this terminal, and in addition a portion of the yard has been set aside for a Spot Repair Track and Cleaning Track. On the Spot Repair Tracks, running repairs are made to cars bad-ordered by Car Inspectors in the inspection yard, and cars are repaired, cleaned, and upgraded on the Cleaning Track for loading of paper and grain. Dock 10, which is about a quarter of a mile southwest of the Cleaning Track, is used for making minor repairs, cleaning, and servicing DF cars, and employees assigned to the Cleaning Track work this area.

Prior to August 2, 1967, the shifts and number of Carmen employed in the Pine Bluff Gravity Yard working seven days a week, were as follows:

| | 7 AM to 3 PM | 3 PM to 11 PM | 11 PM to 7 AM |
|------------------------------------|-----------------|------------------|------------------|
| Spot Repair Track Carmen & Welders | 16 | 15 | 15 |
| Cleaning Track Carmen & Welders | 10 | None | None |
| Car Inspectors | 19 | 20 | 23 |

Carrier respectfully submits that the claim is not supported by the rules, and requests that it be denied.

(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 waived right of appearance at hearing thereon.

The question to be determined in this dispute is identical to that in Award No. 5990, and the Board is governed accordingly.

AWARD

The Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 24th day of September, 1970.