

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 6570
Docket No. 6389
2-EL-CM-'73

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. 100, Railway Employees'
Department, A. F. of L. - C. I. O.
(Carmen)
{ Erie-Lackawanna Railway Company

Dispute: Claim of Employees:

That the Erie Lackawanna Railway Co. compensate Mr. F. Lynch, Mr. E. Nitzky and Mr. H. Mounds, Carmen, Brier Hill Car Shop, Youngstown, Ohio, for $\frac{1}{2}$ hour pay at the pro-rata rate of pay for the period 12 noon to 12:30 pm, while working temporarily away from their home point, for various dates in April, 1971.

Mr. F. Lynch---15-16-19-20-22-23-27-28-29-30

Mr. E. Nitzky--19-20-21-22-26-27

Mr. H. Mounds--15-16-19-20-21-22-23-26-27-28-29-30

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

On claim dates in question, Claimants were required to perform work at Mosier Yard which is located approximately two miles from Carrier's Brier Hill Car Shop where they are employed. It is undisputed that both Brier Hill Car Shop and Mosier Yard are within the same yard switching limits, and both within the same seniority district of Claimants.

The Organization asserts that the claims should be sustained on the basis of a violation of Rule 10(a) and (b) as well as past practice.

The Board finds that Rule 10 is not applicable because there are no carmen positions at Mosier Yard. As such, Claimants could not be filling temporary vacancies under Rule 10, the temporary vacancy rule. Instead they were performing work on their own positions within the switching limits of their home point.

With respect to past practice, the record fails to reveal that such past practice, as alleged, was system-wide. Isolated local instances of past practice are insufficient under the vast majority of the awards of this Board.

A W A R D

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By: Rosemarie Brasch L.H.
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of September, 1973.