

The Second Division consisted of the regular members and in addition Referee David Dolnick when award was rendered.

Parties to Dispute: (System Federation No. 156, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(The Long Island Rail Road Company

Dispute: Claim of Employees:

1. That the following employees, electricians, were deprived of the double time rate of pay on Sunday, February 6, 1972 when they were asked to work overtime after performing their regular tour of duty.

Norman McCollum - eight hours
Carl Farrell - eight hours

2. That the above mentioned employees be compensated at the double time rate of pay instead of the time and a half rate they received for overtime work performed on that day.

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 facts in the instant claims are comparable to those in Docket No. 6512, which was adjudicated in Award No. 6662 denying the claims. Here, the Claimants were assigned to work on Sunday, February 6, 1972. Here also, the number of employees assigned to work on that Sunday did not exceed the maximum number of 59 who are permitted to work on Sundays, without penalty pay, under Article VII of the Agreement. The statement in Carrier's letter of March 8, 1972 stating that the scheduling of the Claimants to work on Sunday, February 6, 1972, did not increase "the normal number of scheduled positions that are recognized as working on Sunday" has not been refuted.

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Award No. 6668
Docket No. 6530
2-LI-EW-'74

For the reasons stated in Award No. 6662 which are applicable here and are affirmed, the Board finds that there is no merit to the claims.

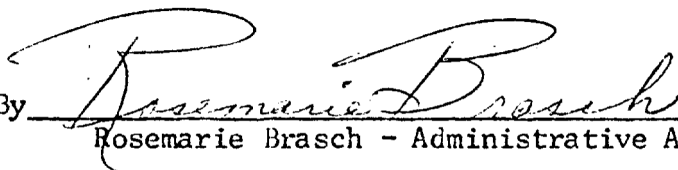
A W A R D

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 22nd day of March, 1974.