

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

Parties to Dispute: (System Federation No. 6, Railway Employees'
(Department, A. P. of L. - C. I. O.
((Carmen)
(Elgin, Joliet & Eastern Railway Company

Dispute: Claim of Employees:

1. That the Elgin, Joliet and Eastern Railway Company, hereinafter referred to as the Carrier, is in violation of Agreement Rule 52 because they refuse to compensate the Carmen Car Inspectors as the Rule demands.
2. That the Carrier be ordered to apply the Rule 52 in the manner in which it was intended and compensate the Car Inspectors named the one (1) minute for each hour actually worked during the week. Car Inspectors, hereinafter referred to as Claimants, are as follows: A. A. Balberg, C. R. Thomson, W. E. McGovern, Gary Sweetwood, D. F. Collins, R. M. Coleman, Harry Smith, G. E. Kennedy, Jack Awalt, E. P. Zumbahlen, N. Roddy, L. Balpiaz, J. Loftis, S. Bilo, E. Franzen, C. Nunes, A. DiSalvo, W. Dick, R. Hase, R. Witt, J. Egly, J. Stevens, A. Sefcik, J. Duha, Q. Benson, J. Vieno, P. Attaway, and Willie Smith.

This is a continuing violation starting sixty (60) days prior to March 27, 1972, and thereafter until adjusted.

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 Employees have bottomed their entire case upon Rule 52 which reads as follows:

"Rule 52. At the close of each week one minute for each hour actually worked during the week will be allowed employees for checking in and out and making out service cards on their own time."

The record in this case conclusively shows that the claim has no merit since the Claimants check in and out and make out service cards on their own time within claimants 8 hour day and paid for by the Carrier.

This same issue has been before this Board many times and has been resolved in favor of Carrier. In Second Division Award 1217 (Cook), it was stated:

"The rule requires the allowance will be made when the employees check in and out and make out service cards on their own time. When not required to do so on their own time, no allowance under the rule is justified."

Also see Second Division Awards 2105 (Douglas), 2565 (Whiting), 3582 (Bailer).

Based on the above cited precedent awards, as well as the facts of record this claim should be denied.

A W A R D

Claim 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 28th day of June, 1974.