

The Second Division consisted of the regular members and in addition Referee Dana E. Eischen when award was rendered.

Parties to Dispute: ( System Federation No. 156, Railway Employees'  
( Department, A.F.L. - C.I.O. - Electrical Workers  
( (I.B.E.W. Local Union 589)  
(  
( The Long Island Rail Road Company

Dispute: Claim of Employees:

1. That the Long Island Railroad Company improperly deprived Electrician Helper (Rotary Tender) J. Payne from working overtime on Sunday, Monday and Tuesday, February 4, 5 and 6, 1973.
2. That, accordingly, the Long Island Railroad Company be ordered to compensate J. Payne one hundred sixty-nine dollars and ninety-two cents (\$169.92).

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 were given due notice of hearing thereon.

In this claim Rotary Tender J. Payne contends that the Agreement was violated when Carrier did not use him at overtime rates to fill in for another regularly assigned rotary tender who failed to show up for work on February 4, 5 and 6, 1973. Rather than fill the job at overtime rates Carrier blanked the job on the days in question. The record supports Carriers position that due to automation and phasing out of rotary converters at the substation involved **there** was no need for filling the position. Be that as it may, there is no rule cited in the controlling Maintenance of Equipment Agreement which lends support to **this** claim. There is no provision in any of the rules cited by the Organization which requires Carrier to fill every temporary vacancy due to absence. Accordingly, we find in this record no support for the claim and must deny it. See Awards 1132, 3339, 6258 (Second) and 8345, 9967, 13162, 13175, 14252, 14699, 15471, 15568, 15633, 16799 and 17477 (Third). We also deem it worth noting that material presented at pp. 6-14 of the Employees Rebuttal was not raised on the property and may not properly be considered by the Board for that reason.

Form 1  
Page 2

Award No. 7037  
Docket No. 6766  
2-LI-EW-'76

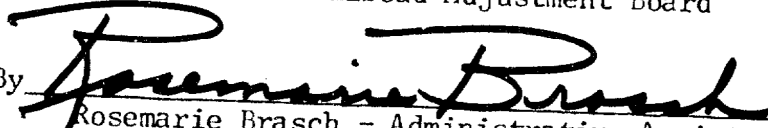
A W A R D

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 13th day of April, 1976.