

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: (System Federation No. 6, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Belt Railway Company of Chicago

Dispute: Claim of Employees:

1. That Carmen T. Sipple and F. Rizzo were required to perform services for the Belt Railway Company of Chicago after their regular working hours and the Belt Railroad refuses to compensate them for the services rendered as required by Rule 7 of the current working agreement. The Belt Railroad Company of Chicago also violated the provision of Agreement Rule 20.
2. That the Belt Railway Company of Chicago be ordered to compensate Carman T. Sipple five (5) hours pay at the straight time rate for services rendered on Tuesday April 29, 1975 and Carman F. Rizzo be compensated for ten (10) hours at the straight time rate for services rendered on Tuesday April 29, 1975 and on Wednesday April 30, 1975.

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.

Claimants were interrogated by the carrier's officers and police with regard to the theft of certain journal bearing brass. The interviews were held during times that the claimants were not on duty in the service of the carrier and were for the most part held off the property.

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Docket No. 7204
2-BRCofC-CM-'77

The claimants allege that the action of the carrier violated rule 7 of the agreement between the parties in that the claimant should have been paid for additional service rendered to the carrier. Rule 7 reads as follows:

"CALLED OR REQUIRED TO RETURN TO WORK AFTER REGULAR
WORKING HOURS

Except as provided for in the special rules of each craft, employees called or required to return to work after the regular working hours will be allowed five (5) hours for three (3) hours and twenty (20) minutes service or less."

Rule 7 has no applicability to the fact situation in the instant case. Claimants did not "return to work after regular working hours" such as would require compensation under the rule.

Claimants failed to prove a violation of the agreement. The claim will 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 /ae
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of September, 1977.