

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

Parties to Dispute: { System Federation No. 4, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Carmen)
 { Patapsco and Back Rivers Railway Company

Dispute: Claim of Employees:

- No. 1. That under the current Agreement on the Patapsco and Back Rivers Railroad, Sparrows Point, Maryland, the Carrier arbitrarily scheduled carmen to work a shift in Gray's Yard with hours of 10:00 A.M. to 6:00 P.M., such shift covering job referred to herein as Job A-1, formerly a regular 7:00 A.M. to 3:00 P.M. shift job.
- No. 2. That the Carrier changed the shift starting time contrary to the Controlling Agreement, and without the approval of the committee.
- No. 3. That accordingly the Carrier be ordered to compensate the following claimants at the time and one-half rate of pay: three (3) hours each carman covering the duration of August 2, 1978 through August 27, 1978 and a repetition of same for the duration of this claim: Carmen: T. Turk, A. Crews, M. Long, R. Nash, D. Mentzer, S. Campbell, E. Siegforth, D. Mathews, C. Colley, D. Bendy, Zacharko, D. Mentzer, R. Nash, S. Campbell, D. Mathews, D. Bendy, A. Crews, R. Nash, C. Colley, H. Coleman, and that the Carrier be ordered to re-establish Job A-1 to it's original 7:00 A.M. to 3:00 P.M. status.

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.

This is a companion case to that presented in Award 8372.

In this case, the Organization has asked additionally that some twenty (20) employees (Carmen) potentially eligible for overtime on the jobs covered by the 10 a.m. to 6 p.m. shift which was the subject of dispute in Award No. 8372, be paid three (3) hours each at overtime rates during the pendency of the 10 a.m. to 6 p.m. shift. As we have already determined that the establishment by

Form 1

Page 2

Award No. 8373

Docket No. 8012

2-P&BR-CM-'80

Carrier of the 10 a.m. to 6 p.m. shift was justifiable under the Agreement language and circumstances prevailing, the claim for penalty overtime pay in this case is obviously inappropriate and moot.

A W A R D

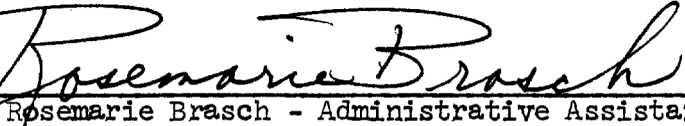
Claim denied.

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 11th day of June, 1980.