

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

Parties to Dispute: (International Brotherhood of Firemen and Oilers
(
(St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. This is a time claim and grievance in favor of Laborers Charles Riddle and Cecil Murray. We are claiming time and one half for both men for one hour and thirty minutes at their respective rates of pay. Mr. Riddle as a Hoist Engineer receives \$9.04 per hour and Mr. Murray as a Hoist Helper receives \$8.41 per hour.
2. On December 16, 1980, American Hoist, SL-SF 99071, came to the Rail Yard of the Roadway Shop about 11:30 A.M. The hoist started working at 3:15 P.M., December 16, 1980, at the Rail Yard, and worked until 5:15 P.M., which would amount to one hour and thirty minutes of overtime for Mr. Riddle and Mr. Murray. They switched a car and unloaded rail. The hoist was operated by Mr. Bill Adkins, the helper was Mr. T. Johansen, who are members of Maintenance of way.
3. This is in violation of the agreement between the St. Louis-San Francisco Railway Company and the International Brotherhood of Firemen and Oilers, effective July 1, 1979, particularly, Rules 1 and 2. There are only three hoists assigned and performing work at Springfield, Missouri, and they are all operated by members of our organization, and the helpers are also members of our organization. We cannot understand why the carrier has not placed members of our organization in this hoist to perform this work, by not doing so, the carrier has violated our agreement, as stated above, and for economic reasons, we would like to point out to the carrier, that they are paying more money in wages to Mr. Adkins and Mr. Johansen, than what they would have paid to Mr. Riddle and Mr. Murray.

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 employes 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.

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Award No. 10088
Docket No. 9735-T
2-SLSF-FO-'84

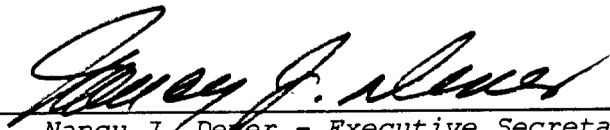
On December 16, 1980, a locomotive crane (American Hoist SL-SF 99071) was brought to the rail yard to unload new rail and was operated by Maintenance of Way Employees. This is a time claim for Claimants Charles Riddle and Cecil Murray for time and one-half for one hour and thirty minutes. The claim is identical in all material aspects to Second Division Award No. 10079 and for the reasons set forth in that award, we will deny this claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois, this 19th day of September 1984.