

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

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(The Boston and Maine Corporation

Dispute: Claim of Employees:

1. That the Boston and Maine Corp. (hereinafter referred to as the Carrier) violated the provisions of the controlling Agreement, namely Rule 2, Paragraph (a) and (b) thereof, beginning on October 29, 1981, by arbitrarily establishing a lap type shift at Mechanicville, New York.
2. That the Carrier be ordered to additionally compensate Carman J. J. Wichelns, (hereinafter referred to as the Claimant) one (1) hour per day at the Carman's time and one-half rate of pay beginning on October 29, 1981 and for each day thereafter as long as this violation continued to remain in effect.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence finds that:

The carrier or carrier 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.

Part 1 of the dispute involves a violation of Rule 2. As interpreted by previous decisions of the Board (see Awards 595, 786 and 1058), Rule 2 does not permit a different assignment of hours of an Engineer/Tractor Operator. The Claim is for monetary damages. The record shows that no time was lost, that 8 hours were worked each day and Claimant was not monetarily damaged. The Board has no authority to award time and one-half for the first hour of eight hours of work nor is the Board persuaded to award punitive pay (see Awards 6433 and 10465).

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Award No. 10741
Docket No. 10525
2-B&M-CM-'86

A W A R D

Part 1 of the Claim is sustained.

Part 2 of the Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of February 1986.