

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12632  
Docket No. 12523  
93-2-92-2-45

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division TCU  
(CSX Transportation, Inc. (former Chesapeake  
(and Ohio Railway Company)

STATEMENT OF CLAIM:

- "1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter 'carrier') violated the controlling Shop Crafts Agreement, specifically Rules 2, 7 and 13, by failing to compensate Carmen D. L. Criswell, E. G. Damron, R. A. Coburn, J. H. Chapman, R. R. Walker, T. L. Proctor and L. Coster, at the time and one-half rate when the Carrier instructed the Carmen said above not to report for their regular third shift assignment on August 15, 1990, and instructed the Carmen said above to report for the first shift on August 16, 1990, when said Carmen were available, willing and qualified to perform on their shift.
2. That, accordingly, the Chesapeake & Ohio Railroad Company (CSX Transportation) be ordered to additionally compensate Carmen D. L. Criswell, E. G. Damron, R. A. Coburn, J. H. Chapman, R. R. Walker, T. L. Proctor and L. Coster at the applicable straight time rate for four (4) hours each for the Carrier's direct violation of Rules 2, 7 and 13."

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.

The basic issue in this case, a question of what is the appropriate rate of compensation for attending instructional classes, has been decided in three recent Awards of this Board, involving this Organization and this Carrier. In Second Division Awards 12234, 12235, and 12400 the Board denied claims of the Organization for time and one-half payments for attending class, taking hearing tests, and participating in an Operating and Safety Rules examination. These Awards have not been shown to be in palpable error. They will be followed in this case.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Catherine Loughrin  
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 8th day of December 1993.