

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12986
Docket No. 12823
96-2-93-2-187

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

(International Brotherhood of Electrical
(Workers
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Claim and grievance submitted to the Consolidated Rail Corporation by the IBEW Local Committee on behalf of Radio Maintainer R. E. Conrad, Altoona, PA Radio Shop by a letter dated June 29, 1990, and which is referred to as follows in the Joint Submission in this case, which is Harrisburg Division Case No. 41015037:

SUBJECT:

IBEW GRIEVANCE J-18-90: This union charges management with the violation of the Controlling Agreement, specifically 4-B-2(b) when on May 6, 1990 the claimant was not paid by the Carrier the double-time rate for work performed. The Claimant worked on an overtime basis from 7:00 am to 3:30 pm at the Radio Shop repairing locomotive radios. The Claimant was compensated at 1-1/2 times his rate of pay. The Claimant should have been compensated at double his rate of pay. The Claimant worked all his scheduled hours of his assignment from Monday through Friday. The Claimant then worked on a scheduled overtime basis on Saturday, May 5, 1990 for eight hours. Under Rule 4-B-2(b) of the Agreement entered into on May 1, 1979, which covers Radio Maintainers it is clear that the Claimant should have been compensated double his rate of pay.

Therefore this union is asking for the difference between 1-1/2 and two (2) times the Claimant's pro rata rate of pay for eight (8) hours.

This claim is subject to Rule 4-P-1."

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 dispute at issue involves the same parties and the same claimant as in Second Division Award 12976, except that the date of claim differs. The arguments of the parties are also not unlike those which they had advanced in this prior case.

For the same reasons this Board set forth in its resolution of the like claim in Award 12976, the instant claim will also be denied for a lack of applicable Agreement support.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 2nd day of February 1996.