

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13323
Docket No. 13053
98-2-95-2-76**

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

**(International Brotherhood of Electrical Workers
(System Council No. 9)**
PARTIES TO DISPUTE: (
**(CSX Transportation, Inc. (former Chesapeake and
(Ohio Railway Company)**

STATEMENT OF CLAIM:

- "1. That CSX Transportation, Inc., formerly Chesapeake and Ohio Railway Co. violated Rule 13, on April 15, 1994, when Electrician W.C. Runyon, ID# 621428 was instructed to change from 3:00 p.m. to 11:00 p.m. shift to 7:00 a.m. to 3:00 p.m. shift without proper compensation, and accordingly;**
- 2. That CSX Transportation, Inc. now compensate Electrician W.C. Runyon in the amount of four (4) hours at the then effective straight time rate of pay."**

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 were given due notice of hearing thereon.

At the time of this claim, the Claimant was a Lead Electrician assigned to the Carrier's Huntington, West Virginia, Locomotive Shop. By means of an undated letter, the Claimant and a number of other employees (including Supervisors) were directed to attend a mandatory training class that addressed the implementation of the Incidental Work Rule. The class was to be held at a hotel between 7:00 A.M. and 3:00 P.M. on April 15, 1994. The record shows that the employees who were to attend the class were given the option of using the eight hour training class as a replacement for working their regular shift, or, if they wished, they also could attend the training class and then work their regular shift.

The Claimant attended the training class and was paid eight hours at his normal straight-time rate.

The claim, at issue here, arose because the Claimant normally worked second shift between 3:00 P.M. and 11:00 P.M. He contends the Carrier changed his shift by directing him to attend the training class and that this was a violation of Rule 13. Therefore, he argues he should be paid four additional hours (the difference between straight-time and overtime).

At the outset the Board notes that the Claimant chose not to work his regular shift. The controlling question is whether training constitutes work and whether training received during a time frame outside of an employee's regularly assigned shift triggers overtime payment entitlement.

The key issues raised in this dispute have been addressed and settled on many occasions on and off of this property. Second Division Award 12359 resolved an identical dispute between the Sheet Metal Workers and this Carrier. That Award, in pertinent part, held that "the change in shift was not work but training and training outside an employee's regularly assigned hours does not trigger overtime payments." See also, among many others, Second Division Awards 12400, 12367, 12235, 12234, 8987, 8726 and 6264. The Board urges the Parties to now put this matter to rest.

AWARD

Claim denied.

Form 1
Page 3

Award No. 13323
Docket No. 13053
98-2-95-2-76

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 16th day of September 1998.