

Award No. 829

Docket No. 744

2-SP(PL)-EW-'42

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 114, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)**

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

DISPUTE: CLAIM OF EMPLOYES: That Electrical Worker J. J. Dowling be compensated at straight time rate for services performed on August 1, 1937, beginning at 8:00 A. M. to 3:10 P. M.; also services performed on August 15, 1937, beginning at 8:00 A. M. to 3:10 P. M. for waiting time (in both instances) at San Luis Obispo, Calif., for Train No. 71 enroute headquarters at San Jose, California, under the provisions of Rule 12 of agreement, effective February 16, 1937.

EMPLOYES' STATEMENT OF FACTS: Electrical Worker J. J. Dowling is regularly employed in the maintenance of way electrical department on the 8:00 A. M. to 5:00 P. M. shift with headquarters at San Jose, California, which shift he worked on Friday, July 30, 1937, also Friday, August 13, 1937. On Saturday morning, July 31, 1937, also Saturday morning, August 14, 1937, Mr. J. I. Howard, electrical foreman, ordered Electrical Worker J. J. Dowling, on or about 8:00 A. M. to leave San Jose on Train No. 72 at 9:00 A. M. for San Luis Obispo, California, to perform electrical work at said point and who arrived there at 2:00 P. M. on July 31, 1937; also on August 14, 1937, completing regular shift and worked overtime until about 11:00 P. M. and overtime was allowed on both occasions without question. The carrier provided Electrical Worker J. J. Dowling with transportation, meals and lodging enroute and while held out over night in San Luis Obispo on August 14, 1937.

Electrical Worker J. J. Dowling's working hours at San Luis Obispo, California, were the same as at his home point, San Jose, California (8:00 A. M. to 4:30 P. M.).

For waiting at San Luis Obispo, California, from 8:00 A. M. on August 1, 1937; also for waiting at San Luis Obispo, California, from 8:00 A. M. to 3:00 P. M. on August 15, 1937; the carrier disallowed waiting time claimed in both instances. Traveling time, 3:00 P. M. to 8:40 P. M. was allowed for traveling from San Luis Obispo, California, to San Jose, Calif., on August 1, 1937; also traveling time, 3:00 P. M. to 8:40 P. M., was allowed for traveling from San Luis Obispo, Calif., to San Jose, Calif., August 15, 1937.

POSITION OF EMPLOYES: It is the contention of the employees that waiting time from 8:00 A. M. to 3:00 P. M., August 1, 1937; also waiting time from 8:00 A. M. to 3:00 P. M., August 15, 1937, at San Luis Obispo,

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 employe 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.

The parties to said dispute were given due notice of hearing thereon.

The evidence of record supports the conclusion that the circumstances here involved are governed by the general provisions of Rule 12 (a), and do not fall within the exceptions of Rule 12 (b).

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 13th day of October, 1942.