

Award No. 1941
Docket No. 1768
2-GC&SF-CM-'55

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (CARMEN)**

GULF, COLORADO AND SANTA FE RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement Carmen H. F. Archer, K. Archer and H. T. Fox on Friday, June 19, 1953, were denied their contractual seniority rights.

2. That accordingly the Carrier be ordered to make these employees, Carmen H. F. Archer, K. Archer and H. T. Fox, whole by compensating them each additionally for eight (8) hours at the applicable overtime rate for June 19, 1953.

EMPLOYEES' STATEMENT OF FACTS: The following carmen, hereinafter referred to as the claimants, are regularly employed, bulletined and assigned at Fort Worth, Texas, a separate seniority point, as hereinafter set forth:

"Name	Occupation	Assigned Hours	Assigned Work Week
H. F. Archer	Car Inspector	7 AM to 3 PM	Sat. through Wed.
K. Archer	Car Inspector	7 AM to 3 PM	Sun., Mon. and Tues.
		11 PM to 7 AM	Wednesday
		3 PM to 11 PM	Thursday
H. T. Cox	Car Inspector	11 PM to 7 AM	Sun. through Thurs."

These claimants all have established seniority in the Fort Worth, Texas, seniority district.

On Friday, June 19, 1953, the carrier management sent three carmen from Cleburne, Texas—a separate seniority district—to Fort Worth, Texas (separate seniority district from Cleburne, Texas) to perform the work of repairing cars.

The carmen sent to Fort Worth, Texas from Cleburne, Texas, who performed the repairs to cars, hold seniority only at Cleburne, Texas. They are assigned on the first shift in the car department at Cleburne, Texas. They left Cleburne in a company truck for Fort Worth, Texas, at the regular starting time of their assigned shift and were returned to Cleburne, Texas, by the

follow the principle set forth in many previous awards of this Board that, when some employe other than a claimant has performed at a pro rata rate work properly belonging to the claimant at an over-time rate, the pro rata rate is sufficient to penalize the carrier and to make whole the claimant, who actually did not perform the work."

also Third Division Awards 4244, 4645, 4728, 4815, 5195, 5437, 5764, 5929, 5967 and many others.

In conclusion, the carrier respectfully asserts that the claim of the employes in the instant dispute is entirely without merit or support under the agreement rules and should be denied in its entirety.

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.

This claim involves the same issue raised in Docket No. 1766, determined by Award 1939 and is controlled by that award.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 31st day of May, 1955.