

Award No. 2482

Docket No. 2260

2-PRR-MA-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Carl R. Schedler when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 152 RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Machinists)**

THE PENNSYLVANIA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current Agreement Machinist N. O. Kuner was unjustly dealt with when the Carrier worked junior Machinist P. M. Christie eight (8) hours on Saturday, July 4, 1953, in violation of the Overtime Agreement.

2. That accordingly the Carrier be ordered to compensate the aforesaid Claimant eight (8) hours' pay at the punitive rate for Saturday, July 4, 1953.

EMPLOYEES' STATEMENT OF FACTS: N. O. Kuner, hereinafter referred to as the claimant, is employed by the Pennsylvania Railroad Company, hereinafter referred to as the carrier, as a machinist, Grade C, at Hawthorne Enginehouse, Indianapolis, Indiana.

Claimant is regularly assigned on the first shift, 7:00 A. M. to 3:00 P. M., Monday through Friday, rest days Saturday and Sunday. The claimant established seniority as a machinist on February 25, 1943.

P. M. Christie is a machinist, Grade E, regularly assigned to the first shift, 7:00 A. M. to 3:00 P. M., Monday through Friday, rest days Saturday and Sunday. Mr. Christie established seniority as a machinist on March 22, 1944.

On Saturday, July 4, 1953, a legal holiday and a rest day for both the claimant and Mr. Christie, Mr. Christie was used to perform Grade E machinist work at the Hawthorne Enginehouse. Mr. Christie worked eight (8) hours on this day and was compensated on the overtime basis.

This dispute has been handled with the carrier up to and including the highest officer so designated by the carrier, with the result that he has declined to adjust it.

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 this dispute were given due notice of hearing thereon.

The claimant was regularly assigned as a machinist, Grade C, on the first shift, from 7:00 A. M. to 3:00 P. M., at Hawthorne Enginehouse with rest days Saturday and Sunday. On Saturday, July 4, 1953, employe Christie, who was regularly assigned as machinist, Grade E, 7:00 A. M. to 3:00 P. M., rest days Saturday and Sunday, was assigned for eight (8) hours to perform Grade E machinist work. The claimant has greater machinist seniority than employe Christie and claims he should have been given the opportunity for overtime work. We think the issue in this dispute is whether the carrier needed a worker to do Grade E or Grade C work. The claimant argues that the carrier classified the work as Grade E thus depriving him of the overtime opportunity. Grade C rate exceeds Grade E by 7.2 cents per hour.

The record indicates that it is the practice for the carrier to assign the class and grade of worker needed for the work to be performed. That is exactly what the carrier did in this case. We find no support for the assertion that a higher graded machinist should have been assigned.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 11th day of June, 1957.