

Award No. 2574

Docket No. 2266

2-WAB-CM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 13, RAILWAY EMPLOYEES'
DEPARTMENT, AFL (Carmen)**

WABASH RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement Carman A. J. Hutton was improperly compensated for seven and one-half (7½) hours on April 11, 1955 when the carrier refused to allow him his regular assigned rate of pay while filling the place of another employe.

2. That accordingly the carrier be ordered to compensate the aforementioned carman for the difference in pay between his assigned rate and the rate of the employes' whose position he filled.

EMPLOYEES' STATEMENT OF FACTS: Carman A. J. Hutton, hereinafter referred to as the claimant, is assigned to a position at the Decatur Car Shop to repair and clean triple valves and operate triple valve test rack and perform other carman's work, with an accompanying hourly rate of \$2.033, Monday through Friday, 7:00 A.M. to 3:30 P.M.

Car Inspector B. L. Scott, assigned to work 3:00 P.M. to 11:00 P.M., with an hourly rate of \$1.989, reported off on April 11, 1955. Claimant was called from overtime board to fill the position and paid overtime rates on basis of \$1.989 for 7½ hours.

The claim has been handled with carrier officials, all of whom have declined to adjust the dispute.

The agreement effective June 1, 1939 as subsequently amended is controlling.

April 11, 1955. The contentions of the committee should be dismissed and the claim denied.

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.

Disposition of this claim is governed by our Award No. 2573 (Docket 2244).

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 19th day of July, 1957.