

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

C. C. FAULK, WATCHMAN

GULF, MOBILE AND OHIO RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE:

Petitioner, C. C. Faulk, was employed as a shop watchman at Frascatti Shops of the Gulf, Mobile and Ohio Railroad Company at Mobile, Alabama, during September 1, 1949 continuously through January 24, 1958, when he was rolled for his job. Petitioner actually worked six eight hour days and twelve hours on Sundays and holdiays during the period: and says that he was paid only 62 hours during September 1, 1949 through June 30, 1956, and 60 hours thereafter. Petitioner claims that he is entitled to and should have received time and a half for all time worked over forty hours each week, time and a half for holidays prior to May 1, 1955 and double time and a half for holidays after May 1, 1955. Petitioner says that he was not permitted to belong to a labor union because of the nature of his work, and he was in a position excepted from the contract between the union and the railroad, and that notice should be of file with the Mediation Board, under Section 5 e of U. S. Code, Title 45, Chapter 8, as to rates of pay governing his position.

EMPLOYEE'S STATEMENT OF FACTS: Notice of this claim having been heretofore filed, and approval having been granted to file this submission of the claim of C. C. Faulk for overtime due him during the period shown at the prevailing rate governing his position as filed with the Mediation Board, under Section 5 e of the United States Code, Title 45, Chapter 8.

Mr. C. C. Faulk was employed by the GM&O Railroad and its predecessors beginning back in 1937 and through August 31, 1949; but, this claim covers the period beginning on September 1, 1949 and through January 24, 1958, when Mr. Faulk was rolled for his position. Demand having been made as far back as February 4, 1958, and said claim having been declined by the railroad, C. C. Faulk brings this submission of his claim before the Railroad Adjustment Board.

POSITION OF EMPLOYEE: The contention of Mr. Faulk is that he worked six eight hour days each week and worked twelve hours on Sunday,

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.

Parties to said dispute were given due notice of hearing thereon.

The petitioner does not show that he is an employe within the jurisdiction of the Second Division of the National Railroad Adjustment Board as provided in 3 First (h) Second of the Railway Labor Act. The case is therefore dismissed for lack of jurisdiction.

AWARD

Claim dismissed per findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1959.