

Award No. 3709

Docket No. 3830

2-MP-CM-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.—C. I. O. (Carmen)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Missouri Pacific Railroad Company violated the controlling agreement, particularly Rule 2, when on August 4, 1959, in the train yards, Kansas City, Missouri, they established shift starting at 7:30 A. M. to 4:00 P. M. (30 minutes for lunch); shift starting at 7:30 P. M. to 4:00 A. M. (30 minutes for lunch), in addition to the three (3) shifts which started at 7:00 A. M., 3:00 P. M. and 11:00 P. M.

2. That accordingly the Missouri Pacific Railroad Company be ordered to:

(a) Additionally compensate the following employees who on August 4, 1959, were assigned to work from 7:30 A. M. to 4:00 P. M., who were assigned to work 7:00 A. M. to 3:00 P. M. prior to August 4, 1959:

FIRST SHIFT — 7:30 AM to 4 PM

CARMEN:

T. Rodina	R. M. Slezak	M. J. Hovosal
T. Turkovich	J. P. Dahlman	N. E. Arbogast
L. J. Helm	L. Hoopengartner	John Lambert
W. Hyatt	C. H. Hendricks	H. M. Clark
A. A. Wrzeciona	C. Garvin	R. A. Martel
F. Hansen	C. L. Edwards	R. D. Little
H. B. Lowey	V. E. Kruse	A. J. Savage
H. C. Chatterson	V. J. Kruse	J. O. Wood
H. R. Lovelace	O. W. Pontain	J. I. Smith
R. E. Collier	L. A. Zager	Geo. Renicker
H. C. Doke	R. S. Laffoon	L. VanBecelaere
B. A. Seetaert	J. L. Pauley	J. J. Zugaj

B. Bianchino	H. Tedrow	Frank Bleyenber
A. King	A. J. Zagalik	B. D. Osborne
J. W. Downing	R. G. Russell	W. E. Coomer
O. J. Haney	M. Ofak	C. A. Joplin
R. D. Stuckey	O. C. Dobbelaere	L. D. Genness
J. A. Peregrina	J. E. Smith	E. L. Thomas
R. W. Spaulding	E. R. Schulenberg	W. Veanassie
H. W. McBain	F. G. Kaiser	F. C. Mullins
H. F. McDonald	D. L. Smith	
W. J. Coomer	R. D. Barker	

CARMEN HELPERS:

F. L. Holloway	Paul Davis	J. Hubbard
R. R. Rardon	W. T. Larkin	
F. L. Oropeza	R. E. Cole	

CARMEN APPRENTICES:

F. W. Rich	M. S. Howell	Geary Shaddox
M. A. Ruttan	Thos. Hoopengartner	D. L. Waddle
		H. L. Bergerhofer

in the amount of one (1) hour at the punitive rate for being required to work between the hours of 3:00 P. M. and 4:00 P. M. and not being permitted to work the first shift as assigned to train yard employees (7:00 A. M. to 3:00 P. M.).

(b) Additionally compensate all carmen and helpers listed below who were assigned 3:00 P. M. to 11:00 P. M. prior to August 4, 1959:

SECOND SHIFT — 7:30 PM to 4 AM**CARMEN:**

T. Sgaraglino	G. J. Buck	R. F. Lalla
R. Lumley	T. W. Vaughn	H. E. McNerney
J. F. Stepnowski	C. E. Campbell	W. D. Hopkins
Ralph Howard	W. E. Stephens	R. E. Collier
J. C. Bilski	Wm. F. Holtgrove	K. Miller
J. H. Swearingen	E. C. Zacharias	H. A. Wright
C. L. Dykes	A. Giesick	F. Armato
R. D. Kissinger	E. L. Simpson	

CARMEN HELPERS:

Lewis B. Smith
S. S. Martino

and compensate them for all subsequent dates as long as the violation continues, who are now assigned from 7:30 P. M. to 4:00 A. M. in the amount of three and one-half hours (3½ hrs.) at the straight time rate between the hours of 3:00 P. M. and 7:30 P. M. for being deprived of working their regular assigned shift. Also, additionally compensate these employees five (5) hours at the punitive rate be-

tween the hours of 11:00 P. M. and 4:00 A. M. for August 4, 1959, and for each date thereafter as long as the violation continues.

(c) Additionally compensate all carmen and helpers listed above in Section 2(b), assigned from 7:30 P. M. to 4:00 A. M., whose regular assigned hours before August 4, 1959 was 11:00 P. M. to 7:00 A. M., in the amount of three and one-half ($3\frac{1}{2}$) hours at the time and one-half rate for being required to work other than their regular assignment. Also compensate them three and one-half ($3\frac{1}{2}$) hours at the time and one-half rate between the hours of 7:30 P. M. and 11:00 P. M. and three (3) hours at the straight time rate between the hours of 4:00 A. M. and 7:00 A. M. for being deprived of being assigned to work their regular assignment for August 4, 1959, and all subsequent dates until the violation is corrected.

Those claimants covered in Section 2(b) and (c) are the carmen and carmen helpers affected who are now assigned 7:30 P. M. to 4:00 A. M. — See Employees' Exhibit A, attached, which sets out the assignment of all those affected prior to August 4, 1959.

Statement:

The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to organization in ex parte form, hearing thereon was not held, and the Division is now in receipt of a request from the employees that the case be withdrawn.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 9th day of March 1961.