

**Award No. 3848**

**Docket No. 3580**

**2-IT-CM-'61**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when award was rendered.

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 154, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L.-C. I. O. (Carmen)**

**ILLINOIS TERMINAL RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That under the current agreement Carman W. H. Wells was improperly compensated for changing shifts on August 26 and September 4, 1958.

2. That accordingly, the Carrier be order to additionally compensate the aforesaid Carman in the amount of four (4) hours at the straight time rate of pay for each change.

**EMPLOYEES' STATEMENT OF FACTS:** Carman W. H. Wells, hereinafter referred to as the claimant, is employed by the Illinois Terminal Railroad Company, hereinafter referred to as the carrier, at McKinley Junction Yard, Madison, Illinois.

Claimant was temporarily assigned to position No. 499 with hours 11:00 P. M. to 7:00 A. M. As a result of the retirement of Carman Isaac Lewis, who had been off on sick leave, job 499 was advertised as a permanent vacancy. When a senior carman bid on and was assigned to this position, claimant was transferred to the vacated position while it was being advertised. Claimant continued to be transferred from job to job while they were being advertised and re-assigned until he was finally assigned to a position which no other carman bid on. Claimant is the junior carman at McKinley Junction.

As a result of being transferred to the different positions while they were being posted for bid, claimant was changed from the third shift to the second shift on August 26, 1958 and was changed back to the third shift on September 4, 1958. He was paid at the straight time rate of pay for the two changes of shifts.

This dispute has been handled with the carrier up to and including the highest officer so designated by the company, 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.

Parties to said dispute waived right of appearance at hearing thereon.

The facts are similar to, and the rule is identical with those in Award 1243, decided without a referee, and Awards 1949 and 2621, decided with Referee Donaldson participating, and require the same disposition.

**AWARD**

Claim sustained.

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

**ATTEST:** Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of November, 1961.