

Award No. 4373
Docket No. 4358
2-AT&SF-EW-'63

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee J. Harvey Daly when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. — C. I. O. (Electrical Workers)**

**ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
(Coast Lines)**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current working Agreement, the Carrier erred when they failed to maintain equal distribution of overtime in the Radio Shop at Los Angeles.
2. That accordingly the Atchison, Topeka & Santa Fe Railway Company be ordered to:

(a) Properly compensate non-licensed Electronic Technician Mr. J. M. Moses eight (8) hours at his regular time and one-half rate for the date of February 22, 1961.

(b) Assign non-licensed Electronic Technician Mr. J. M. Moses, such overtime as he may be qualified to perform, as the Atchison, Topeka and Santa Fe Railway Company may need performed in or at the Los Angeles Radio Shop until his overtime hours are equal to other Electronic Technicians employed in or at the Los Angeles Radio Shop.

EMPLOYEES' STATEMENT OF FACTS: Mr. J. M. Moses is an electrician, assigned as a non-licensed electronic technician, hereinafter referred to as the claimant, is regularly employed by the Atchison, Topeka and Santa Fe Railway System, hereinafter referred to as the carrier, as an electrician, assigned to the coast lines communications department, Los Angeles radio shop. This Los Angeles radio shop, maintains radio communications equipment in and around Los Angeles and San Diego. They also repair and maintain music equipment on the Super Chief Trains 17 and 18 and El Cap 21 and 22 passenger trains, plus other radio, music, electronic and television equipment owned and operated by the carrier in and around Los Angeles and San Diego.

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 were given due notice of hearing thereon.

The instant dispute involves the same principle and parties and essentially the same factual situation as in Award No. 4370 and the Board holds that Award to be controlling. Accordingly, the claim is denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 20th day of December, 1963.