

(Advance copy. The usual printed copies will be sent later.)

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6549
Docket No. 6308
2-LI-EW-'73

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman when award was rendered.

Parties to Dispute:

(System Federation No. 156, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(The Long Island Rail Road Company

Dispute: Claim of Employees:

1. That the following employees were deprived of the double time rate of pay worked on Sunday, November 7, 1971:

T. L. Holder	7:30 A.M. - 3:30 P.M.
J. DeVito	3:30 P.M. - 11:30 P.M.
T. DeRasmo	11:30 P.M. - 7:30 A.M.
R. DiAugustino	11:30 P.M. - 7:30 A.M.
J. McArdle	7:30 A.M. - 3:30 P.M.
B. Jacob	3:30 P.M. - 11:30 P.M.

2. That the Employees listed above be compensated at the double time rate of pay instead of the time and a half rate they received for work performed on that day.

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 employees 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 dispute in this case revolves around the interpretation of Article VII, of an agreement between the parties dated January 15, 1971. The Article deals with the rate of pay for Sunday work.

The Organization contends that claimants are entitled to double time pay according to its interpretation of the language of the Article. The Carrier contends that they are entitled only to time and one half pay by the terms of the Article.

A Public Law Board has sustained the Organization's position. In two prior Awards of this Division No. 6507 and 6508 adopted as recently as May 31, 1973, the findings stated that on the same issue the majority was obliged to follow the Award of the Public Law Board in order to effectuate the policy of the Railway Labor Act. In each of the three Awards referred to, the issue, arguments and positions of the parties were the same as in this case, related to identical claims.

In Second Division Award No. 6548, the same dispute was presented, involving the same issue concerning the same Article VII, between the same parties, based on identical Sunday work assignments. The claim was sustained.

The discussion and findings in Award No. 6548 of this Division are therefore incorporated herein with the same force and effect as though fully set forth.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division (

Attest: E. P. Killian RB
Executive Secretary

Dated at Chicago, Illinois, this 29th day of June, 1973. (