

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

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

Dispute: Claim of Employees:

1. 1. That the following employees, William Jones, Electrician, was deprived of the double time rate of pay worked on Sunday, January 9, 1972 - six (6) hours - from 8:00 A.M. to 2:00 P.M.
2. 2. That the above mentioned employee be compensated at the double time rate of pay instead of the time and a half rate he 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 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.

Claimant was called for service on Sunday, his rest day, January 9, 1972 and worked six hours. He was paid at the time and one-half rate. It is the Organization's contention that he should have been paid double time for this work, citing in support thereof Article VII of the January 15, 1971 Sunday Work Agreement.

The issue presented for determination is clearly not one of first impression for this Board. The same parties have litigated essentially identical disputes where the Carrier advanced the same arguments there as now appear in the record before us. Those claims culminated in the Award of Public Law Board No. 790 and Second Division Awards 6507, 6508, 6548, 6549, 6550, 6551, 6552, 6553, and 6554, all upholding the Organization's position.

To overrule these prior Awards which are essentially identical to the claim at hand requires a determination by this Board that said Awards were palpably erroneous. We believe the majority in those Awards correctly construed and applied the provisions of Article VII of the January 15, 1971 Agreement in upholding the Organization's claim. Such interpretation and application we feel was not unreasonable. Thus we cannot conclude that those Awards were palpably in error and we find the reasoning contained therein applicable to the claim before us. The claim, therefore, will be allowed.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 20th day of March, 1974.