

The Second Division consisted of the regular members and in addition Referee David Dolnick 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 employee, P. Catapano, Electrician, was deprived of the double time rate of pay worked on Sunday, January 16, 1972 - nine (9) hours - when he was called to work at the Bellaire Sub Station.
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.

The facts in this claim are comparable to those in Docket No. 6512, which was adjudicated in Award No. 6662 by denying the claim. Here, Claimant was assigned and worked nine (9) hours on Sunday, January 16, 1972 for which he was paid at the time and one-half rate. In a letter dated March 28, 1972, the Carrier wrote to the General Chairman that in no event is this claim valid because: "The number of E.T. employees working on Sunday, January 16, 1972 was not greater than the number of E.T. employees working on Sunday, January 17, 1971, which was the qualifying Sunday for this rule." This has not been challenged by the Employees.

For the reasons stated in Award No. 6662, which are applicable here and are affirmed, the Board finds that the Agreement was not violated and that the claim has no merit.

A W A R D

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 22nd day of March, 1974.