

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, E. J. Murphy, Electrician, was deprived of the double time rate of pay worked on Sunday, March 19, 1972 - two hours and forty minutes - when he was called out to work on the rectifier at PG20 (Hicksville).
2. That the above mentioned employee be compensated at the double time rate of pay instead of the time and a half 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 employee or employees involved in this dispute are respectively carrier and employee 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 that claim. Here, the Claimant was assigned and did work two hours and forty minutes on Sunday, March 19, 1972, for which he was paid at the time and one-half rate. In a letter dated May 18, 1972 the Carrier advised the General Chairman that the claim was invalid because the number of E.T. employees who worked on Sunday, March 19, 1972 were no greater than the number permitted to work without penalty under Article VII of the Agreement. This has not been challenged by the Employees.

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Award No. 6669
Docket No. 6531
2-LI-EW-'74

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 - Administrative Assistant

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