

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 41, Railway Employees'
 (Department, A. F. of L. - C. I. O.
 ((Carmen)
 (The Chesapeake and Ohio Railway Company
 ((Chesapeake District)

Dispute: Claim of Employees:

1. That furloughed, carman tentative, Dale P. Michaelson was improperly paid when called and used to work on October 22, 26, 28 and November 4 and 10, 1971 (worked 2 or 3 hours each date) then sent home and allowed 4 hours pay at the straight time rate for each of the above dates in violation of Rules 4, 27 and 27 $\frac{1}{2}$.
2. Accordingly, Michaelson is entitled to be additionally compensated four (4) hours each date October 22, 26, 28 and November 4 and 10, 1971 (total of 20 hours) at carmen's applicable straight time rate.

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 waived right of appearance at hearing thereon.

All carmen at Elk Run Junction, West Virginia were furloughed from October 5, 1971 through the month of November, 1971. Up until the time of furlough, Claimant held a regular assignment as carman tentative. During this furlough period (brought about because of the coal miners' and dockworkers' strikes), Claimant was called to perform work on five separate occasions, and was allowed four hours straight time pay rather than eight hours straight time pay.

Carrier contends that in each instance where Claimant was required to perform service, the work was completed in less than two (2) hours and forty (40) minutes. As such, Carrier's argues, Claimant was properly paid under the provisions of Rule 7(c).

Rule 7(c) reads as follows:

"Employees called or required to report for work, and reporting, will be allowed a minimum of four (4) hours for two (2) hours and forty (40) minutes or less, and will be required to do only such work as called for or other emergency work which may have developed after they were called, and cannot be performed by the regular force in time to avoid delays to train movement."

The Organization asserts that Rule 7(c) applies only to regularly assigned employees and not to employees on furlough.

The Board finds that under the particular circumstances of this dispute, Carrier's payment under Rule 7(c) was proper. Moreover, from the record, the Organization has cited no rule, understanding or practice that would support the claim for additional compensation.

A W A R D

Claim 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 25th day of November, 1974.