

The Second Division consisted of the regular members and in addition Referee Walter C. Wallace when award was rendered.

Parties to Dispute: ( System Federation No. 42, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Electrical Workers)  
(  
( Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated the current working agreement, particularly Rule 11, when Carrier partially closed down the Second Shift in its Florence, South Carolina, Diesel Shop and forced Electrician W. H. Griffin to change shifts and refused to pay the overtime rate for his shift change effective July 14, 1975.
2. That accordingly, the Carrier be ordered to additionally compensate Electrician W. H. Griffin four (4) hours at his straight time rate of pay.

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 waived right of appearance at hearing thereon.

This claim invokes Rule 11 of the Agreement regarding changing of shifts. That rule provides:

"CHANGING SHIFTS

Employees changed from one shift to another will be paid overtime rates for the first shift of each change. Employees working two shifts or more on a new shift shall be considered transferred. This will not apply when shifts are exchanged at the request of the employees involved."

Claimant's change of shifts on September 14, 1975 was a consequence of Carrier's abolishment of Claimant's position. Claimant maintains this change was not voluntary and he should be entitled to the penalty rate as provided in the rule. In support of this position it is urged that Carrier's Master Mechanic C. F. Denison abolished the position over the protests of the Local Chairman.

The Organization places some emphasis upon the Master Mechanic's letter of July 29, 1975 to Local Chairman Wallace wherein it is stated:

"Please be advised that it has been historically the practice of management to place its employees on either the first, second or third shift wherever the requirements of the service are best suited. Therefore, it was the prerogative of management to curtail the operation on the second shift at the Diesel Shop at Florence and to strategically place the remaining employees on other shifts where their service may be better utilized."

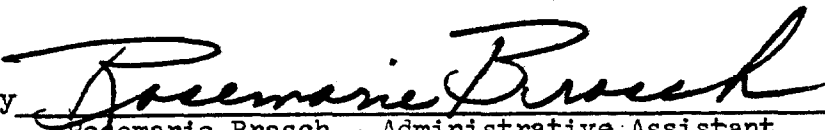
On the issue under this rule questioning whose action resulted in the shift change, the Master Mechanic's language may give rise to the impression this was Carrier's action. However, we are not persuaded that this makes the difference and removes this question from the rule of other recent awards of this Division where this same question was considered and the claim was denied. Awards: 7251 (Roadley); 7291 (Marx); and 7293 (Marx). The decisive factor, as these awards point out, is that Claimant exercised his seniority and as a consequence a shift change resulted which must be viewed as made "at the request of the employees involved". In accordance with the cited Awards the claim is denied.

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 7th day of October, 1977.