

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

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rules 1 - Section 1(a), 2(a), 3(a), 4(a), (d) and (g) of the June 1, 1960 controlling agreement on October 13, 1975 when they called Telephone Maintainer W. E. LaFarra prior to the start of his shift - 6:00 a.m. - instructing him to go to Pine Bluff Arkansas on trouble call to work on Carrier equipment that resulted in Telephone Maintainer LaFarra working on equipment owned and leased from Bell Telephone Company at Pine Bluff, Arkansas.
2. That accordingly, the Missouri Pacific Railroad Company compensate Telephone Maintainer W. E. LaFarra two and seven-tenths hours (2.7') at the punitive rate for October 13, 1975.

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.

The Claimant is employed as a Telephone Maintainer in the Communications Department of the Missouri Pacific Railroad. On October 13, 1975, the Data Supervisor in St. Louis, Missouri called the Claimant at 6:00 am, one hour before the usual starting time for his work day, and instructed Claimant to go to Pine Bluff, Arkansas and clear trouble in Carrier's data set. The Claimant, following instructions, went to Pine Bluff and performed tests on Carrier's equipment. Claimant's tests indicated that the Carrier's equipment was operative, but that the Bell Telephone equipment, which was used in conjunction with Carrier's equipment, was inoperative.

The Claimant filed a claim for two and seven-tenths hours (2.7') for October 13, 1975, for the work he performed prior to the usual hours of his work day. However, the claim for two and seven-tenths hours was removed from his time roll by the Communications Supervisor. As a result of the Carrier's action, the Organization has processed this claim on the basis that the Carrier violated the Agreement effective June 1, 1960, specifically Rule 1 - Section 1(a), Rule 2(a), Rule 3(a), Rule 4(a), (d) and (g).

The instant claim is essentially similar to the claim that was before the Board in Award No. 7488. Based on the reasoning of that Award the instant claim must be 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 4th day of April, 1978.