

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

PARTIES TO DISPUTE: (International Brotherhood of Firemen & Oilers  
(  
(Southern Railway Company

STATEMENT OF CLAIM:

1. That under the current and controlling agreement, Laborer H.G. Gossett, S.S. 251-96-9789, and A.C. Mabry, S.S. 247-11-3058, were improperly compensated for service rendered on January 27, 1988.

2. That accordingly, Laborers Gossett and Mabry be compensated for thirty (30) minutes at the applicable rate of time and one-half pay which was in effect on January 27, 1988.

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 employes 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 two Claimants in this matter seek thirty minutes overtime because they remained on the property after their normal quitting times when they appeared as witnesses at the request of a charged co-worker in his Investigation. The Investigation got underway at 3:00 PM. Claimants remained under pay until their normal quitting time, 4:00 PM. At four o'clock a request was made to recess and continue the Hearing at a later date. The request was denied and the Hearing continued for approximately thirty more minutes. At issue here is the application of the first sentence of Rule 34 (f) reading:

"Formal investigations shall be held at the point where the employee is employed and at such time as will result in no loss of time for the employees, his representative and his witnesses that are employed at such point unless otherwise agreed to."

An uncomplicated reading of Rule 34 (f) indicates that it clearly provides that Investigations must be held at times when an employee and his witnesses will not lose time. However, the Rule, commonly referred to as a "no loss of time rule" does not provide for extra compensation when the Investigation extends beyond normal quitting times. In the matter at hand, Claimants did not lose any time as a result of their participation in the Investigation as witnesses. That is all that is required by the Rule.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of November 1990.