

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12359
Docket No. 11899
92-2-90-2-4

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

PARTIES TO DISPUTE: (Sheet Metal Workers International Association
(
(CSX Transportation, Inc. (formerly Seaboard Coast Line
(Railroad)

STATEMENT OF CLAIM:

1. That Sheet Metal Workers J. E. Hammitt, I.D. 168589 and R. V. Powers, I.D. 120790 were forced to changed shifts by the CSX Transportation Company and were not allowed change of shift pay.

2. That the Carrier be ordered to pay Sheet Metal Workers Hammitt and Powers four (4) hours each at the pro rata rate of pay for being forced to change shifts on the following dates:

3. On November 22, 1988, Sheet Metal Worker Hammitt was forced to change shifts. On November 30, 1988, Sheet Metal Worker Powers was forced to change shifts.

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.

Claimants, regularly assigned to the 2nd Shift, where, on November 22 and 30, 1988, instructed to attend a training program on the 1st Shift to qualify for work involved in moving locomotives in shop areas. Each claimed time and one-half under Rule 11 - Changing Shifts, reading:

"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 will be considered transferred. This will not apply when shifts are exchanged at the request of the employees involved."

Carrier defended against payment on the basis that the change in shift was not work but training and training outside an employees regularly assigned hours does not trigger overtime payments.

The Carrier is correct. There are Awards of all Divisions of this Board which support Carrier in this matter. See Third Division Awards 27021, 22704, 20323, 20702 and 10808, to name but several. The Claim is without merit, it will be denied.

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 1st day of July 1992.