

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12479
Docket No. 12031
92-2-90-2-270

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 Electrical Workers
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(The Kansas City Southern Railway Company

STATEMENT OF CLAIM:

1. That the Kansas City Southern/Louisiana & Arkansas Railway Company is violative of Rule 29, in particular, paragraphs (a) and (i), of the April 1, 1980 controlling agreement when they denied compensation to Electrician D. D. Tyler when as Local Chairman he was delegated to represent an Electrical Workers' employe during an investigation scheduled by the Carrier on September 8, 1989 at Shreveport, Louisiana.

2. That accordingly, the Kansas City Southern/Louisiana & Arkansas Railway Company be ordered to compensate Electrician D. D. Tyler six (6) hours and forty-five (45) minutes at the straight time rate for September 8, 1989.

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.

Claimant, in his capacity as a Local Chairman, participated in an Investigation held on Friday, September 8, 1989, one of his regular scheduled work days. The Organization is seeking compensation for the time devoted to the hearing, six hours and forty-five minutes, under the application of Rule 29(i) reading:

"(i) All conferences between local officials and local committees to be held during regular working hours without loss of time to committeemen."

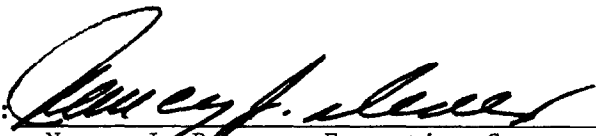
Several times in the past this Board has had the opportunity to consider similar claims seeking compensation under similar agreement language for employee representatives defending individuals under charges at Investigations. In Second Division Award 8141, the Board concluded that an employee functioning as an employee's representative at an Investigation was not the same as participation in a conference between local committees and local officials (because they entail two completely difference purposes) and was not entitled to compensation for the time necessary for the Investigation. The Board does not find Award 8141 to be in error. Accordingly, it will be followed here and the Claim 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 18th day of November 1992.