

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Agreement was violated when the Carrier assigned Trackman Don Cole instead of Welder D. E. Price and Welder Helper J. D. Jefferson to perform welding work at the Panel Plant in North Little Rock, Arkansas on August 22, 23, 24, 25, 26, 29 and September 6, 7 and 8, 1988 (Carrier's File 880545 MPR).

(2) As a consequence of the aforesaid violation, Welder D. E. Price and Welder Helper J. D. Jefferson shall each be allowed seventy-two (72) hours of pay at their respective time and one-half rates."

FINDINGS:

The Third 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 Claimants seniority dates as welders in the Welding Subdepartment on the Carrier's Eastern District are June 18, 1958 and May 31, 1977. Both Claimants were working at the Carrier's North Little Rock Terminal. The employee assigned the work is a trackman in the Track Subdepartment with a seniority date of August 4, 1988.

On the dates set forth in the claim, the Carrier assigned the junior trackman to perform welding in the construction of panel jigs at the Panel Plant at North Little Rock rather than assigning Claimants to perform that work. In the past, Claimants had performed that work. The work involved took 72 hours to complete.

The record establishes that two separate seniority rosters are maintained which separate welders from trackmen. The record further establishes that, in the past, welding work has been performed by welders and welder helpers and not by trackmen. A sustaining Award is therefore required.

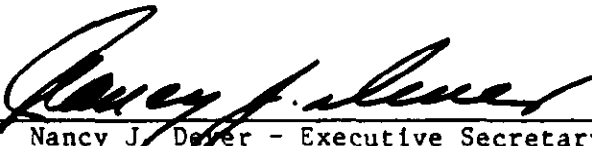
However, the claim seeks 72 hours for both Claimants when the total hours worked was only 72 hours. Each Claimant shall therefore only be entitled to 36 hours pay. Further, without more of a showing as to why Claimants should be compensated at the overtime rate as requested in the claim, the awarded compensation shall be at the straight time rate.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of January 1992.