

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

RAILROAD DIVISION OF THE TRANSPORT WORKERS
UNION OF AMERICA, C. I. O. •

ALIQUIPPA AND SOUTHERN RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Employees—That it is inconsistent with the current agreement to have the carrier use men to perform the work of Track-Equipment Operators by employees assigned to another craft or class of work. Mr. Martin DiGiovine and Mr. Wm. Miller are regularly assigned Track-Equipment Operators.

On April 1 and 2, 1954, Mr. Stephen Palombo, a trackman so assigned, was used as track-equipment operator. Mr. DiGiovine, regular assigned track-equipment operator was off these two days. They were his rest days.

On April 5, 1954, Mr. Stephen Palombo, a trackman so assigned, was again used as track-equipment operator. Mr. Miller, regular assigned track-equipment operator, was off this day. It was his regular rest day.

Past practice of the carrier has been that when men were needed as track-equipment operators the men regularly assigned to this work did it regardless of their rest days.

As the work of track-equipment operators belongs to this class of employees so assigned, we are asking that Mr. DiGiovine be paid for April 1 and 2, 1954 and Mr. Wm. Miller be paid for April 5, 1954 for work performed by Mr. Palombo, regularly assigned trackman.

The Organization asks that since improper employees were used to do this work that for April 1 and 2, 1954, Mr. DiGiovine be paid eight (8) hours for each day at the punitive rate. That for April 5, 1954, Mr. Miller be paid eight (8) hours punitive rate.

OPINION OF BOARD: This Board finds that the claim as cited by Petitioner is not supported by the Agreement or other documentary evidence.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing thereon;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

The Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 15th day of July, 1955.