

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 27877
Docket No. MW-27398
89-3-86-3-639

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

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(Burlington Northern Railroad Company (former St.
Louis-San Francisco Railway Company)

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

(1) The Carrier violated the Agreement when it assigned Machine Operator D. L. Crisp to perform trackman's work on June 25, 27, July 1, 2, 3, 9, 10 and August 1, 1985 (System File B-1707-2/EMWC 85-10-18).

(2) As a consequence of the aforesaid violation, Trackman G. J. Hollis shall be allowed sixty-four (64) hours of pay at his straight time rate and three and one-half (3 1/2) hours of pay at his time and one-half rate."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

In Third Division Award 27874 we stated:

"In Third Division Award 27696 we considered a dispute between these same parties involving identical issues to those involved in this Claim and sustained the Claim of the Organization on the basis that it was an Agreement violation to have Machine Equipment Operators perform Trackman's work when their machines were inoperable. We have not been persuaded that Award 27696 is in error and it will be followed here."

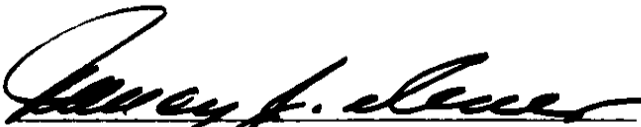
This Claim is a continuation of the Claim involved in Award 27874 and will also be sustained. The Claim seeks 64 hours straight time pay plus 3 1/2 hours overtime pay. Search of the record fails to find any support for the overtime pay. It will not be allowed.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dexter - Executive Secretary

Dated at Chicago, Illinois, this 4th day of May 1989.