

Award No. 5
Case No. 23

Public Law Board No. 2630

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Baltimore and Ohio Railroad Company

STATEMENT
OF
CLAIM:

1. Claim made by Floyd L. Ray and A. E. Croy for the difference between straight time and time and one-half as operators for two hours each day -- July 26-29 and August 1-5, 8-12, 15-19, 1977 -- 19 days totalling 38 hours for Carrier's violation of Rule 24(a) of the effective Agreement.
2. The Carrier should compensate each of the named employes as indicated in Rule 24(a).

FINDINGS:

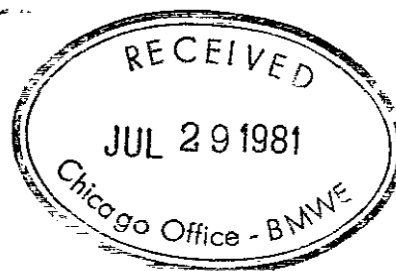
No truck being available to transport members of a Tie Unit between their headquarters at Decatur, Illinois and work site, the employes and their supervisor agreed that each employe would be allowed a two-hour straight-time arbi-

trary each workday he used his own vehicle for such travel. This informal arrangement of cause did not modify the terms of the collective bargaining agreement.

In addition to that arbitrary allowance, claimants also received overtime for fueling a rented truck. They seek additional overtime instead of the arbitrary for fueling and picking up ice and water for the Tie Unit each morning.

The claim lacks merit. The record indicates that claimants were adequately compensated. The two hour arbitrary at straight-time exceeds the amount to which they would have been entitled even if their own theory of compensation were accepted. There is no convincing evidence to the contrary, so far as this record shows.

AWARD: Claim denied.



Adopted at Baltimore, Maryland, *October 12,* 1980.

Harold M. Weston, Chairman

Carrier Member

Employee Member

"I DISSENT."