

C O P Y

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 366

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES)	
and)	Case No. 6
TEXAS AND NEW ORLEANS RAILROAD COMPANY)	Award No. 6

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the effective agreement by assigning Tractor Mower Operator J. R. Lavergne at Beaumont, Texas, to work from 4:30 p.m. to 12:30 a.m. at the pro rata rate of pay beginning August 24, 1959 to October 21, 1959.
2. Claimant J. R. Lavergne Tractor Mower Operator - Lafayette Division at Beaumont, Texas be now reimbursed for the difference between the straight time pro rata rate of pay allowed him and the time and one half rate which he should have received for this performance of work in overtime hours during the period referred to in Part 1 of this claim.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

For the reasons advanced in Case No. 5, resulting in Award No. 5, this claim will be sustained. The claimant shall be paid at the punitive rate for all hours worked after 5:00 p.m. on the dates of claim.

AWARD:

Claim sustained in accordance with the opinion.

(s) Thomas C. Begley
Thomas C. Begley, Impartial Chairman

(s) J. R. Russell - Dissenting
J. R. Russell, Carrier Member

(s) Arthur J. Cunningham
Arthur J. Cunningham, Brotherhood Member

Dated at Cleveland, Ohio, July 11, 1961.