

NATIONAL MEDIATION BOARD
SPECIAL BOARD OF ADJUSTMENT No. 1049

JOHN C. FLETCHER, CHAIRMAN & NEUTRAL MEMBER
E. N. JACOBS, JR., CARRIER MEMBER
RICHARD A. LAU, ORGANIZATION MEMBER

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

NORFOLK SOUTHERN RAILWAY COMPANY

Award No. 79
Case No. 79

Date of Hearing - August 1, 1997
Date of Award - December 27, 1997

Statement of Claim:

1. The Carrier violated the Agreement when it failed and refused to properly compensate District Track Gang TN452 employees Ronald L. Uppencamp, W. K. Nolan, D. D. Leiberling, C. E. Durcholz, D. E. Wertman and N. E. Feusler for services performed by them outside their regularly assigned hours on July 18, 1995 (System File RLUO995/MW-SOMR-95-057).
2. As a consequence of the aforesaid violation, Foreman Ronald L. Uppencamp, Labor Truck Drivers D. E. Wertman and J. E. Fuesler and Laborers W. K. Nolan, D. D. Leiberling and C. E. Durcholz shall each be allowed one hour of pay at the difference between their respective straight time rates and their respective overtime rates.

FINDINGS:

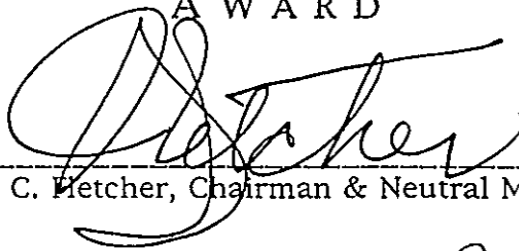
Special Board of Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and the Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute(s) herein; and, that the parties to the dispute(s) were given due notice of the hearing thereon and did participate therein.

This claim is for the difference between straight time and overtime on a day when Claimants performed no work but instead attended a Quality Meeting for 9 hours.

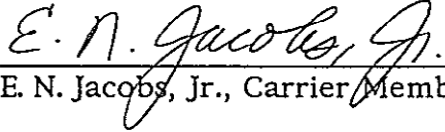
The claim is not supported by the Agreement. It will be denied.

Claim denied.

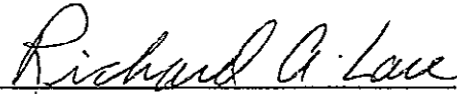
A W A R D



John C. Fletcher, Chairman & Neutral Member



E. N. Jacobs, Jr., Carrier Member



Richard A. Lau, Employee Member

Dated at Mt. Prospect, Illinois., December 27, 1997