

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

READING COMPANY

Award No. 9

Case No. 9

STATEMENT OF CLAIM:

1. That the carrier violated the effective Agreement when on August 8, 1958, it compensated the Carpenter Gang at St. Clair at the straight time rate for services rendered in overtime hours.

2. That Carpenter Foreman C. L. Kline, Carpenter Gang Leader Carl Schaeffer and Carpenters F. J. Hansbury, John Wagner and Fred Ferster be now paid the difference between their time and one-half and straight time rates of pay for thirty-five minutes.

OPINION OF BOARD:

The claimants were regularly assigned members of Carrier's B. & B. forces on the Shamokin Division, with headquarters at St. Clair, Pa. On August 8, 1958 they performed work at Tamaqua, Pa. and spent 35 minutes beyond their regular quitting time while traveling in a Carrier truck back to headquarters. They were paid at the straight time rate for this period of travel. The organization contends they were entitled to the punitive rate for this time.

The same general question was previously raised under the contract provisions here applicable in Award 5838 (Referee Yeager), Third Division, wherein it was decided that only the straight time rate was required. We think that a prior Board interpretation of the identical contract language should be followed for reasons of consistency and stability of operations under the Agreement, unless said decision is so patently erroneous as to warrant being ignored. In line with this view, we are of the opinion that the interpretation given in Award 5838 should be followed.

AWARD:

Claim denied.

(s) Lloyd H. Bailer

Lloyd H. Bailer, Chairman

(s) A. J. Cunningham

A. J. Cunningham, Employe Member

(s) H. F. Wyatt, Jr.

H. F. Wyatt, Jr., Carrier Member

Philadelphia, Pa.

June 26, 1959