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PARTIES) Chicago, Burlington and Quincy Railroad Company
TO THE) and
DISPUTE) Transportation-Communication Division, BRAC

QUESTION
AT ISSUE:

Is Carrier in violation of Article IV, Section 1, in refusing to include compensation for overtime regularly worked by W. R. Mayo on his position as of October 1, 1964 as part of his normal rate of compensation?

OPINION
OF BOARD:


Carrier raises two defenses to the claim. One is that the Organization's submission to this Committee was untimely. The other is that Claimant's "normal rate of compensation" was exclusive of overtime premium for Saturday and Sundays, which had been worked regularly on a call basis.

It appears that other claims have been submitted to the Committee by Claimant for periods subsequent to this one. Under that circumstance it is proper initially to review the merits of the present claim. The record discloses that the claim has analogous roots to those in Awards 227 and 254, where the claim was for inclusion in the normal rate of compensation of overtime worked regardless of frequency or duration. They were denial Awards. Consequently this claim should be denied also.

In view of the denial on the merits, it is therefore unnecessary to reach the time limits issue.

A W A R D

The answer to the Question is No.


Milton Friedman
Neutral Member

Dated: Washington, D. C.
January 27, 1972