

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Award No. 25395
Docket No. 45506
02-1-01-1-M-2090

The First Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood of Locomotive Engineers
(Northeast Illinois Regional Commuter
(Railroad Corporation (Metra)

STATEMENT OF CLAIM:

"Claim of Metra/Electric Engineer M. Sedano for payment of all earnings on Job Combination No. 36 on October 23, 2000 in addition to his earnings on Relay Assignment No. 304.

Claim of Metra/Electric Engineer D. D. Lewis for payment of all earnings on Job Combination No. 39 on October 25, 2000 in addition to his earnings on Relay Assignment No. 304."

FINDINGS:

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The facts in the two claims in this case are not in dispute. Both Claimants were regularly assigned to the Extra Board. On the dates in question both Claimants were assigned to Relay Assignment No. 304.

On October 23, 2000 after beginning work on Job 304 the Claimant was taken off the job and placed as Engineer on Combination No. 36.

On October 25, 2000 after beginning work on Job 304, the Claimant was taken off the job and placed as Engineer on Combination No. 39.

The two Claimants were paid one day's pay by the Carrier. The Claimants filed these claims under the provisions of Rule 24(a), which reads:

"If an Engineer is taken from his regular assignment and used to relieve on another assignment, he will be paid the amount of his regular assignment and the amount of the assignment to which he is moved."

The Carrier argues that the Claimants were extra Engineers and as such Rule 24(a) does not apply to them.

The Organization argues that once assigned to Job 304 the Claimants assumed the same rights to the Job as a regularly assigned Engineer. It has cited numerous Awards which support its position. The Carrier has not furnished any evidence to bolster its position.

The Organization has met its burden. The Agreement was violated.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Dated at Chicago, Illinois, this 23rd day of October, 2002.