

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13935
Docket No. 13819
NRAB-00002-070003
(07-2-3)

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

PARTIES TO DISPUTE: ((Brotherhood Railway Carmen Division (BRCD)
(Transportation-Communications International Union
(Springfield Terminal Railway Company (ST)

STATEMENT OF CLAIM:

"Claim of the Employees:

- "1. That the Springfield Terminal Railway Company violated the terms of our Agreement, in particular Rule 29 when they failed to contact the Local Committee as to the number of employees required to perform overtime work.
- "2. That, accordingly, the Springfield Terminal Railway Company be required to compensate Carmen (sic) William Reinsborough in the amount of four (4) hours at the overtime rate of pay. This is the amount of compensation he would have earned had the Carrier not violated the Agreement."

FINDINGS:

The Second 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.

On June 6, 2005 the Organization filed this claim for overtime on May 5, 2005.

On the claim date the Claimant was sent home at the conclusion of his shift. Two other carmen were working at Rigby, off their territory, because their air compressor truck was needed. The carmen had not finished their work by shift's end, so they were kept on overtime to complete the work. The carmen at Rigby had about 30 more minutes of work plus a 2 hour drive back to Lawrence.

The Organization argues that the Lawrence carmen should have been sent home at 1:00 PM and the Claimant called for the overtime.

The work performed by the Lawrence carmen was a continuation of the work they had been performing all day.

Numerous awards have held the Carrier is not required to call any other carmen to complete the work of others when it is continuous.

The Organization has failed to show the Agreement was violated.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 27th day of March 2008.

