

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States  
{ and Canada  
{ Southern Pacific Transportation Company

Dispute: Claim of Employes:

1. That the Southern Pacific Transportation Company (Texas and Louisiana Lines) violated the controlling agreement, particularly Rules 8 and 28, when they denied Carman L. J. Gautreaux his right to work overtime and sent carmen from the Houston, Texas Seniority District to perform carmen's work in the Lafayette Division, Lafayette, Louisiana, on March 21-22-23-24-25-26, 1980.
2. That accordingly the Southern Pacific Transportation Company be ordered to compensate Carman L. J. Gautreaux as follows:

March 21, 1980 - 8 hours at overtime rate from 7AM to 3PM;  
 March 22, - 8 hours at overtime rate from 7AM to 3PM;  
 March 23, - 4 hours at overtime rate from 3PM to 7PM;  
 March 24, 1980 - 4 hours at overtime rate from 3PM to 7PM;  
 March 25, - 3 hours at overtime rate from 3PM to 6PM;  
 March 26, - 4 hours at overtime rate from 3PM to 7PM.

Findings:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

The Organization brings this claim on behalf of a carman employed at Lafayette, Louisiana in the Lafayette Division. According to the Organization, the Carrier violated Rules 8 and 28 of the applicable agreement when it assigned carmen from the Houston, Texas Division to perform carmen's work at Lafayette without first calling Claimant to perform overtime work. Claimant seeks thirty-one hours of pay at the premium rate for six days in March, 1980. The Carrier admits that ten carmen from Houston went to Lafayette on the dates in controversy to assist in repairing bad order cars. A heavy backlog of bad order cars had developed at Lafayette. The Carrier, though, contends it was not required under Rules 8 or 28 or any other rule to call Claimant who had voluntarily opted to keep his name off the two overtime boards maintained at the Lafayette train yard and repair track.

The Carrier also alleges that this claim progressed to this Board is substantially different from the claim handled on the property and thus, this claim must be dismissed for lack of jurisdiction. In its Notice of Intent to file an ex parte submission, the Organization seeks more compensation for Claimant than was requested on the property. However, the Organization's submission to this Board asks for the same remedy as contained in the initial claim on the property. The minor discrepancy in the amount of compensation requested appears to have resulted from clerical inadvertence. Thus, there has been no substantive change in the claim and we may address the merits.

In this case Claimant has conceded that, on the dates in question, his name did not appear on the overtime boards. Indeed, he did not want his name listed on the overtime boards so he would not be called to perform additional service during the night. There is no obligation on the Carrier to call a worker whose name is omitted, consistent with the employee's desire, from the overtime board. If Claimant wanted to be called for overtime work, he should have followed the recognized procedure for adding his name to the overtime boards. Claimant's voluntary election to keep his name off the overtime boards precludes him from asserting the instant claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By *Rosemarie Brasch*  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 19th day of May, 1982.