

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

Parties to Dispute: (System Council No. 7
(International Brotherhood of Electrical Workers
(
(National Railroad Passenger Corporation (Amtrak)

Dispute: Claim of Employees:

1. That under the current agreement, the National Railroad Passenger Corporation unjustly held Electrician R. Wallace out of service on Saturday, October 11, 1980 at Beech Grove, Indiana, and unjustly deprived him of overtime.
2. That accordingly the National Railroad Passenger Corporation should be ordered to pay Electrician R. Wallace eight (8) hours' pay at time and one-half the applicable electricians' rate for Saturday, October 11, 1980 in order to make him whole.

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 essential facts are not in dispute. On Thursday, October 9, 1980, the Claimant was asked and accepted overtime work for Saturday, October 11, 1980. On October 10, after reporting for his regular assignment, the Claimant became sick and was sent home by the Carrier's nurse. Prior to his departure, the Claimant was told by his Foreman that since he did not know whether the Claimant would be sufficiently recovered to work the next day, another employe would be scheduled to work in his place.

The Organization contends that the Foreman's action was violative of a number of rules of the parties' controlling agreement. The Board finds, under the facts and circumstances of record, that Rule 13(F) of the agreement is controlling for the incident under dispute. The rule is essentially one that requires equal distribution of overtime among the Carrier's work force. Numerous awards have held that the equality of such distribution is measured over a reasonable period and not on an incident-by-incident basis.

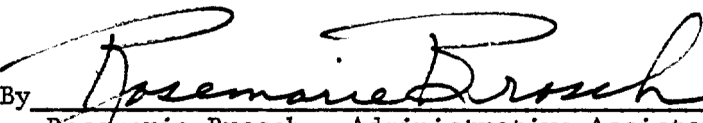
In the instant case, the Organization has a right to know who is going to work. On the other hand, the Carrier must know with some reasonable certainty that employees scheduled for work will do so in order to plan its work schedules. Certainly, under the rules, the Carrier was not obligated to wait until the next morning to find out if the Claimant was available for work. The Foreman's conclusion that the Claimant might not be available for work the next day and his scheduling of someone else to perform this work is not an unreasonable act, not is it violative of Rule 13(F). The claim, therefore, is denied.

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 - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of July, 1983.