

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

(Brotherhood Railway Carmen of the United States
(and Canada
Parties to Dispute: (
(Southern Pacific Transportation Company (Eastern Lines)

Dispute: Claim of Employees:

1. That the Southern Pacific Transportation Company (Eastern Lines) violated the controlling agreement, particularly Rule 8, when Carmen N. G. Alvarado and Carman F. R. Martinez were denied their right to overtime as provided for under the rule, Houston, Texas.

2. That accordingly, the Southern Pacific Transportation Company (Eastern Lines) be ordered to compensate Carman Alvarado in the amount of seventy-five hours (75') at overtime rate commencing January 1, 1984, and Carman Martinez at the amount of thirteen hours (13') at overtime rate covering February 20, 1984.

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 employees 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 primary thrust of this Claim is that the Claimants were deprived of the opportunity to work overtime January 1, 1984, until approximately February 20, 1984. Entitlement to the overtime is asserted on the basis of Rule 8, Distribution of Overtime. This Rule essentially requires that overtime be equalized among the Carmen.

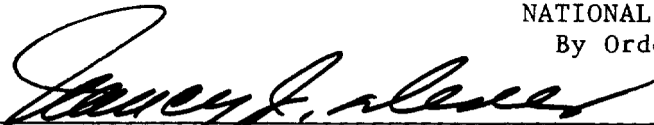
It is well-established by numerous Awards, many of which were relied upon by the Carrier, that the question of overtime equalization, to be properly resolved, must be based on a reasonable period of time. In the instant case, the Claim is founded on a six-week period. We do not consider a six-week period of time to be a reasonable basis for showing a failure to equalize overtime. Moreover, the Board observes that much of Carman Wolff's overtime came about from an extension of his normal working hours and, under Rule 8, he was entitled to such overtime.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of August 1987.