

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

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

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rule 8 (b) of the controlling Agreement when they used Carmen C. C. Garvin and A. J. Zagalik to work overtime August 2, 1978, although both had excess amount of overtime than did Carmen T. W. Jacobson and L. M. Firuccia.
2. That the Missouri Pacific Railroad Company be ordered to compensate Carmen T. W. Jacobson and L. M. Firuccia in the amount of five (5) and one-half (.5) hours at the punitive rate.

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 issue in this case is whether Rule 8(b) of the controlling agreement was violated when Carrier used Carmen C. Garvin and A. Zagalik to work overtime on August 2, 1978, rather than Claimants T. Jacobson and L. Firuccia.

"Rule 8(b)

Record will be kept of overtime worked and men called with the purpose in view of distributing the overtime equally..."

The record reveals that Garvin and Zagalik were on Carrier's property, ready to tie up for the day, when the call came in for the emergency road service to rerail a diesel unit. Garvin and Zagalik are regularly assigned to emergency road service.

The Organization contends that Rule 8(b) required that Carrier allow Carmen Garvin and Zagalik to tie up and go home and to call Claimants in to rerail the diesel unit because they were first out on the overtime board ahead of Garvin and Zagalik. It also maintains that Garvin and Zagalik had received considerably more overtime than had Claimants and that Rule 8(b) requires that overtime be distributed on an equal basis.

This Board has addressed the first-in, first-out overtime issue and the equal distribution of overtime (application of Rule 8(b)) in numerous awards wherein similar claims to the one before us were denied. We see no basis on which to deviate from the reasoning in those awards. See Second Division Awards 6613 (Lieberman), 7624 (Williams), 7897 (Weiss), and 8335 (LaRocco).

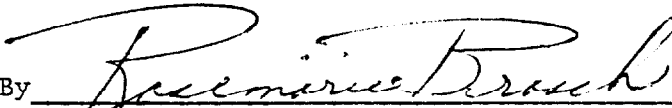
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
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Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of June, 1982.