

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

PARTIES TO DISPUTE: ( (Brotherhood Railway Carmen/Division of TCU  
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

a) That the Union Pacific Railroad Company violated Rule 8 and Rule 3 of the controlling Agreement of September 1, 1981, as amended, and the Agreement of August 4, 1981 and the Administrative Message No. 798 dated March 12, 1987, when they arbitrarily refused to call Carman R. Shackelford (336-50-4618) for overtime on his second rest day at Houston, Texas on April 8, 1988.

b) That the Union Pacific Railroad Company be ordered to compensate Carman R. Shackelford (336-50-4618) for sixteen (16) hours at the pro rata rate for April 8, 1988.

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 employes 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.

Claimant worked overtime on Thursday, April 7, 1988, his first rest day. On Friday, April 8, 1988, additional forces were again needed, however, Claimant was not called. Had Claimant been used on overtime that day he would have been entitled to payment at the double time rate because it was his second rest day. The Carman used was paid at time and one half rates.

Rule 8(b) of the Agreement provides for assignment of overtime. It reads:

"Record will be kept of overtime worked and men called with the purpose in view of distributing the overtime equally. Local Chairman will, upon request, be furnished with record."

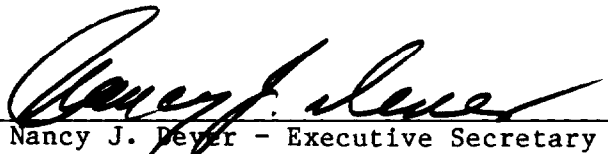
For the Organization to prevail in this matter, under this Rule, it must demonstrate that Claimant was entitled to work on his second rest day in preference to the Carman used. (See Second Division Award 9267 between these same parties.) Careful examination of this record fails to support such a showing. The Claim is without merit and will be denied.

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 28th day of November 1990.