

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13284

Docket No. 13249

98-2-97-2-14

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

**(Brotherhood Railway Carmen, Division of
(Transportation Communications International Union**
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Baltimore and
(Ohio Railroad Company)

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

1. That the Carrier violated Rule 8, of the controlling Agreement as amended, on November 22, 1995 through the circumvention of the overtime call board.
2. That the Carrier be ordered to recompense Carman T.R. Sprout the amount of six (6) hours at the time and one-half 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 employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

This dispute is based upon Carrier allegedly violating the provisions of Rule 8 when it assigned a Carman other than Claimant on a particularly frigid night to monitor two idling engines, one at Ravenswood and the other at Point Pleasant.

Rule 8 obligates both the Carrier and the Organization to jointly assign Carmen in a manner which will allow those desiring overtime to share equally in whatever overtime is available. Seniority is not a factor.

In this instance, the Carrier assigned the Carman who lived the closest to both engines which required monitoring. It did not call the Claimant who apparently stood at the top of the list for overtime.

In order for the Organization to establish a violation of Rule 8 it must present evidence that, over a period of time, the Carrier was calling from the overtime list only certain people who were gaining the lion's share of the overtime. This it has not done.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 18th day of May 1998.