

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

HUDSON & MANHATTAN RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Hudson and Manhattan Railroad Company:

In behalf of Signal Repairman W. F. Forman, with headquarters at Hudson Terminal, for eight (8) hours at the time and one-half rate account Carrier assigning junior Signal Repairmen to perform overtime service on February 19, 1960.
[Carrier's File: Time Claim No. 156]

EMPLOYES' STATEMENT OF FACTS: On February 19, 1960, Signal Repairmen W. F. Forman, R. Clark and C. Hines were located at Hudson Terminal, their assigned headquarters, and were near completion of their 12:00 Midnight to 8:00 A. M. shift when flooding conditions developed in the area of Caissons 1, 2 and 3, which required that the Carrier assign two of the above three men to work beyond the end of their regular tour on overtime.

Signal Repairman Forman was the senior employe of the three listed above, but the Carrier did not permit him to work the required overtime. Instead, the Carrier arbitrarily assigned the two junior Signal Repairmen, Clark and Hines, to perform the overtime work which consumed 8 hours.

Signal Repairman Forman, being the senior employe of the three available Signal Repairmen, filed a claim for eight (8) hours at the time and one-half rate account his being denied the right on the basis of his seniority to work the overtime in preference to the junior Signal Repairmen.

The time claim was denied by Mr. A. D. Moore, Superintendent of Signals on April 5, 1960, and subsequently progressed by General Chairman J. J. Reese, Jr., to Mr. J. C. Warren, General Superintendent, under date of May 10, 1960, as follows:

"On February 19, 1960, Signal Repairmen W. F. Forman, R. Clark and C. Hines were located at Hudson Terminal, their assigned headquarters, and were near completion of their 12 MN to 8:00 A. M. tour when, at about 7 A. M., an occasion arose which required that

OPINION OF BOARD: For the reasons stated in Docket SG-12382, we hold that the Agreement was not violated.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

The Agreement of the parties was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1965.

**LABOR MEMBER'S DISSENT TO AWARD 13569,
DOCKET SG-12721**

My Dissent to Award 13566 also applies to this case.

G. Orndorff
Labor Member