

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21584  
Docket Number SG-21410

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Railroad Signalmen  
(Houston Belt & Terminal Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood  
of Railroad Signalmen on the Houston Belt &  
Terminal Railway Company:

On behalf of Signal Foreman G. S. Drake for an additional payment of 17  $1/3$  hours at time and one-half his straight time hourly rate (\$1214.98 per month), overtime hours worked on November 16 and 17, 1974 -- payment due under Rule 305 of the Signalmen's Agreement of October 1, 1965.

OPINION OF BOARD: Claim is made for additional compensation for emergency work under the provisions of Rule 305 that provides:

"When overtime service is required of a part of a signal gang, the senior employe of the gang of the class involved, who are available and desire the work, will be given preference to it. The foreman assigned to such gang shall work and be paid overtime rate for the number of hours his gang works."

Carrier contends that Rule 305 applies to non-emergency work, and that Rule 602 (b), a specific rule, applies. Rule 602 (b) states in pertinent part:

"**Employees** paid on basis of **monthly** rate will not be required to perform ordinary maintenance or construction work on the sixth or seventh day (rest days) or holidays of their work week, but will perform emergency work as necessary to restore signal system interruptions."

It is clear that Rule 602 (b) applies in the instant dispute. Claimant, a monthly rated **employee**, was performing emergency work. There is no **entitlement** to additional compensation under the circumstances. See Third Division Awards 18962, 19355, and 20324 between the same parties.

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 **Employees** involved in this dispute are respectively Carrier and **Employees** 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 was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1978.