

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23078
Docket Number SG-23098

Martin F. Scheinman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Seaboard Coast Line Railroad Company)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad Company:

On behalf of Signal Maintainer C. G. Hall, for two (2) hours and forty (40) minutes at his time and one-half rate account called at 7:45 P.M. on June 11, 1978, but refused to allow him to work." (General Chairman file: 128-C. G. Hall-78. Carrier file: 15-16(78-9) J)

OPINION OF BOARD: Claimant, C. G. Hall, is a Signal Maintainer for Carrier. On June 11th, 1978, there was trouble on the Code Line at Orlando, Florida. The regularly assigned Signal Maintainer was not available for service. Therefore, the operator at Orlando called Claimant who was assigned on the adjacent territory. Claimant stated that he had already worked 11 hours and 45 minutes on that date. He had only 15 minutes left to work before further, service would be in violation of the Hours of Service Law unless the work was an emergency. Claimant instructed the operator to inform the Dispatcher of his time status. Claimant waited for a return call from the operator but he did not receive one.

Carrier was able to secure another employe to perform the service. For this reason, as well as the fact that the work was not on Claimant's territory, Carrier refrained from exceeding the Hours of Service Law.

The Organization contends that pursuant to Rule 16(b), Claimant is entitled to receive a minimum call of two hours and forty minutes. While the employes acknowledge that Claimant never actually performed service on June 11th, 1978, it asserts that Claimant was called to perform service.

An analysis of the record and submission to this Board convinces us that the Organization's contention is without merit. The claim must be denied.

-- -- Under instructions of the Carrier Claimant was required to notify the Dispatcher, not less than one hour in advance, before excessive hours of service will begin (Signal Instruction Letter No. 10). Here Claimant failed to advise the Dispatcher when previously released from service that he had only 15 minutes left. Had Claimant informed the Dispatcher of his status,

as required, he would not have been **called** by the operator in the first place. That is, Claimant's failure to inform the **Dispatcher** was the cause of him receiving the **call**. Once Claimant's status was explained, **Carrier** reasonably chose to have another maintainer perform the work which was not on Claimant's territory.

Thus, we must conclude that Claimant is not entitled to receive a minimum call for June **11th, 1978**. Compensation for this situation is not contemplated in Rule 16(b) as he was not called to **perform work**. Since Rule 16(b) is the only rule cited by the **Organization to support its claim we will dismiss the claim** in its entirety.

One final word. Before closing we must note that the operator failed to call back Claimant and **inform** him that another maintainer had been **called** to protect the call. We believe this to be inappropriate. We feel compelled to note that as a common courtesy, if nothing else, Carrier should insure that an employee in the position Claimant found himself in on June **11th**, receive an indication **of** Carrier's **decision** as to the call.

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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Paulsen*

Dated at Chicago, Illinois, this **21st** day of **November 1980**.

