

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24156**  
Docket Number **CL-24188**

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: { (Brotherhood of **Railway**, Airline and Steamship Clerks,  
Freight Handlers, Express and Station **Employees**  
(Maine Central Railroad Company (Portland Terminal Company))

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-9490) that:

1. Carrier **violated** the Agreement between the Parties, August **16, 1979**, when it assigned **overtime** of four and one-half ( $4\frac{1}{2}$ ) hours at \$8.193 per hour to junior employee as Store Helper, because said **posi-**  
tion worked  $4\frac{1}{2}$  hours' overtime.

2. **Carrier** shall compensate Willis G. **Childs**, Store Helper, four and one-half ( $4\frac{1}{2}$ ) hours' pay **\$8.193** per hour, August **16, 1979**, account said duties of assisting as Store Helper to Woodland, Maine, were delegated to junior employee. Senior employee was not properly used for the overtime on this position.

OPINION OF BOARD: On August **16, 1979**, Claimant was regularly assigned to and worked the position of **Crane** Operator at Waterville Stores Department, **Waterville**, Maine. On that date a second crane, which operated in the Stores Department and which was manned by junior Crane Operator **L. E. Swett**, became inoperative. Thereupon the Carrier utilized Swett as a helper on a Stores **Department** delivery truck. Swett, along with the Stores Department **Truck** Driver, worked  $4\frac{1}{2}$  hours overtime that date. The **overtime** work is the source of complaint in this dispute.

The Board has reviewed the entire record in this **case** and is unable to find a4 agreement **violation**.

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

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That the Agreement was not violated.

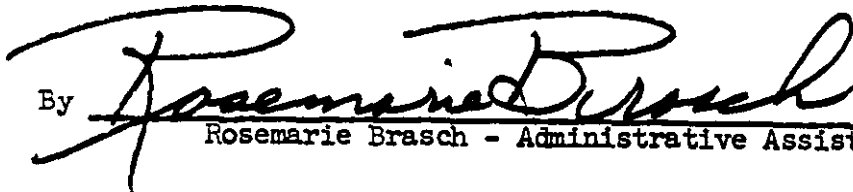
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.