

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Rail Passenger Corporation (Amtrak):

On behalf of Mr. J. M. Lenart, Signal Foreman, C&S Department.

A. The Carrier has violated the current Signalmen's Working Agreement, particularly Article 2, Section 23H, which reads as follows: Where work is required by the Carrier to be performed on a day which is not part of any assignment, it may be performed by an available unassigned employee who will otherwise not have forty hours of work that week; in all other cases by the regular employee.

B. On May 23, 1986 between the hours of 3:00 p.m. and 3:30 a.m., a total of twelve hours and thirty minutes, Mr. J. Fowler, Signal Foreman, was asked to work overtime at 'JO' Tower, New York. The Trouble Desk, manned by Mr. J. Dahlstrom, was directed by Mr. J. Karp, Assistant Division Engineer, to call Mr. Fowler and Mr. Zamparelli and their men to work at 'JO'. Mr. Lenart and his men were available for work and were not instructed to do so by a Carrier Officer who should know, or be aware, of the Working Agreement and its seniority order.

C. Based on the above facts and the Carriers violation of the Working Agreement, we the Brotherhood of Railroad Signalmen feel that Mr. Lenart should be compensated for twelve hours and thirty minutes of pay at the rate of time and one-half, the current Signal Foreman rate of pay. Carrier file NEC-BRS-SD-252."

FINDINGS:

The Third 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 employees 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 waived right of appearance at hearing thereon.


On the morning of May 23, 1986, there was a fire at the JO Interlocking Tower in New York City. Carrier needed all available employees to work the emergency caused by the fire that day. The trouble desk attempted to call all employees and notify them that their services were needed at JO Tower for overtime work. Claimant, was called but could not be contacted. A message was left at his headquarters indicating that overtime work was available at JO Tower. Claimant never received the message. The Organization contends that Carrier has an obligation to make a reasonable effort to contact employees eligible for overtime work and that, in this case, an effort was not made and men younger than Claimant were used to perform the overtime work.

This Board has reviewed the total record of this case. Based on that review, we must conclude that Carrier exerted every reasonable effort to contact all available employees to notify them of the emergency overtime. Claimant did not return to his headquarters at the end of his tour, so he did not get the message. That was his fault, not Carrier's.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois this 25th day of September 1989.