

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 28300
Docket No. MW-27437
90-3-86-3-684

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(National Railroad Passenger Corporation - (Amtrak)
Northeast Corridor

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Agreement was violated when the Carrier assigned Track Inspectors instead of Track Foreman T. Burger to perform overtime service with the rail grinding train on April 2, 3, 4, 5 and 6, 1985 (System File NEC-BMWE-SD-1327).

(2) As a consequence of the aforesaid violation, Mr. T. Burger shall be allowed fifty-six and one-half (56 1/2) hours of pay at the track foreman's time and one-half rate."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 April 2, 3, 4, 5, and 6, 1985, Carrier assigned a Track Inspector to perform overtime service with the rail grinding train. Claimant was working as a Foreman with his gang during regular hours. Two of the Trackmen from Claimant's gang were assigned on an overtime basis to work with the rail grinding train, but Claimant was not. The Organization filed a Claim contending that Claimant should have been used to supervise his men and work with the rail grinding train, instead of a Track Inspector.

Form 1
Page 2

Award No. 28300
Docket No. MW-27437
90-3-86-3-684

Carrier contends that the Track Inspector was assigned to pilot the rail grinding train and that Claimant was not needed as a Foreman. Carrier also argues that the Track Inspector held Foreman seniority over Claimant and, by that fact alone, he was properly assigned the overtime supervisor activity.

The Board has reviewed the facts as presented in the record and the cases in support of the parties' positions. Based on this review, it is not persuaded that the Organization has justified its position or that the Track Inspector assigned was assigned improperly.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1990.