

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: "Claim of the General Committee, Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (SPTC-(WL)):

On behalf of Brother M. M. Martignetti for four hours pay at his overtime rate of pay, account of the Carrier violated the current Signalmen's Agreement, as amended, particularly Rule 37, when it failed to call him for overtime on his territory on March 28, 1988." Carrier file SIG-148-361.

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.

This dispute arose because the Carrier called and assigned work, located in the Coast Seniority District, to two Signal Maintainers located in the Western Seniority District. There is no dispute that the work belonged to Maintainers on the Coast Seniority Roster.

The Carrier, on the property, asserted that it attempted to "reach" the Claimant as well as "others" in the Coast Seniority District. Because it was unable to locate anyone in that District, it contacted the two Signal Maintainers in the Western Seniority District and assigned the work as noted above.

We do not find sufficient evidence that the Carrier made a reasonable effort to contact employees on the Coast Seniority District. Because evidence of such effort is absent from the record, we find that the requirements of Rule 19, Subject to Call, have not been met. Therefore, the Claim is sustained.

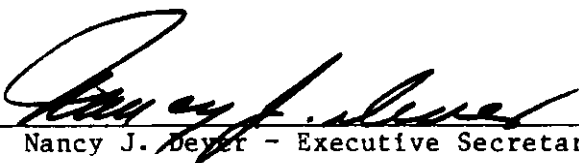
With respect to the Claim for the punitive rate of pay, we reaffirm the holdings in past Awards that have found that the appropriate rate of compensation for work not performed is the pro rata straight time rate.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 16th day of October 1990.