

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 29519  
Docket No. SG-29550  
93-3-90-3-498

The Third Division consisted of the regular members and in addition, Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Claim of the System Committee that:

Claim on behalf of P.G. Baxter and R.K. Cairns, for payment of 12 and 6 hours respectively, at their respective punitive rates of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, APPENDIX 'P', when it used individuals from Seniority District No. 14, Pittsburgh Division for overtime work. Carrier file SG-141. BRS file Case No. 7946-CR."

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 December 6 and 7, 1988, a Pittsburgh Division signal employee and his supervisor were making a cutover of the signal system at CP Conpit. Before placing the signal system into service, the Signalmen and his supervisor had to run signal checks both east and west of the CP Conpit. The territory east of the CP Conpit is on the Allegheny Division territory although both the Pittsburgh Division and Allegheny Division are on seniority district fourteen. On December 6, 1988, the Pittsburgh Division Signal employee performed the work alone on overtime. The following day, he performed the work under the supervision of the Foreman, also on overtime.


On January 29, 1989, the Organization initiated a claim on behalf of an electronic technician and a signal maintainer headquartered at Altoona, Pennsylvania, on the Allegheny Division. The Organization contends that the Carrier violated Appendix P (the November 16, 1978 Memorandum of Agreement) because it failed to call the communication and signal employees to perform maintainers' work outside of regular work hours in the correct order of preference. The Organization further asserts that the overtime work performed by the Pittsburgh Division Signal employee and his supervisor was associated with, rather than an integral part of, the work performed at the CP Conpit during straight time. Thus, the Organization seeks six hours of overtime for the electronic technician for work performed on December 6 and six hours of overtime each for the electronic technician and the signal maintainer for work performed on December 7.

The Board finds that the Carrier assigned the overtime to the Pittsburgh Division's signal employee and supervisor in accord with Rule 5-A-2, which is an exception to Appendix P. The two workers performed overtime continuous with their straight time tour of duty because they were performing the same work before the overtime service commenced. Third Division Award 27161. The Organization has failed to muster sufficient proof that the work performed on overtime was not inextricably related to the cutover of the signal system at CP Conpit. Quite to the contrary, the checking of signals to ascertain if the cutover has been properly accomplished is an essential part of the entire project. The overtime work was inseparable from the work which the signal employee and his supervisor performed during their contiguous, straight time assignments. Finally, the Board notes that the signal employee did not cross seniority district lines.

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 3rd day of February 1993.