

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 29694  
Docket No. SG-29718  
93-3-91-3-59

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

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

STATEMENT OF CLAIM:

"Claim on behalf the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (CONRAIL):

Case No. 1

Claim on behalf of E. Englebrecht, for payment of 16 hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 5-A-1 (h), when it did not use him for unassigned overtime work on June 18, 1989. Carrier file SG-204. BRS Case No. 8281-CR.

Case No. 2

Claim on behalf of E. Engelbrecht, for payment of 17 hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 5-A-1 (h), when it did not use him for unassigned overtime work on June 17, 1989. Carrier file SG-205. BRS Case No. 8282-CR.

Case No. 3

Claim on behalf of D.B. Thwaites, for payment of 17 hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 5-A-1 (h), when it did not use him for unassigned overtime work on June 17, 1989. Carrier file SG-206. BRS Case No. 8283-CR.

Case No. 4

Claim on behalf of D.L. Palumbo, for payment of 16 hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 5-A-1 (h), when it did not use him for unassigned overtime work on June 18, 1989. Carrier file SG-207. BRS Case No. 8284-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 employe 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.

The overtime work involved in the four claims comprising this docket is fiber optic construction. Carrier maintains that it was appropriate to utilize the members of the construction gang performing the installation work as the "regular employees" under Rule 5-A-1(h) in preference to utilizing Claimants. With this the Board concurs. There is no showing that Rule 5-A-1(h) has been misapplied in any of the four claims. The Organization has the burden of supporting its contentions with adequate evidence. This evidence is missing in this docket. The claims will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever, Secretary To The Board

Dated at Chicago, Illinois, this 16th day of July 1993.