

Form **RECEIVED** NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

JAN - 5 1995

Award No. 30617
Docket No. SG-30752
94-3-92-3-524

G. L. HART

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
(
(Illinois Central Railroad

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Illinois Central Railroad:

Claim on behalf of S. A. Lipe, for a total of sixteen (16) hours and fifteen (15) minutes at the overtime rate of pay, because the Carrier violated the current Signalmen's Agreement, as amended, particularly, the Scope Rule, when it allowed a non-covered employee to perform work covered by the current Signalmen's Agreement, as follows:

6-21-91	2hr 40 min call	\$56.40	11:30pm-2:00am at DeSoto
6-23-91	2hr 40 min call	\$56.40	9:00am-10:00am at Grand Ave
6-23-91	4hr 15 min	\$90.10	2:45pm-7:00pm at DeQuoin
7-03-91	2hr 40 min call	\$58.04	5:32pm-6:30pm at Hallidayboro
7-05-91	4hr	<u>\$87.28</u>	7:15pm-11:15pm at Chilies, KY
Total		\$348.22"	

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 employee 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 five occasions in June and July 1991, Carrier utilized the services of a Signal Supervisor to respond to signal malfunctions when the regular Maintainer was not available due to Hours of Service Act considerations, being on vacation, or being off duty. Claimant, a furloughed Maintainer filed a claim contending that he should have been recalled for this overtime work. Carrier's basic defense to the claim is that Claimant is not a proper claimant. It notes that the overtime Rule is specific and requires that:

"Overtime on a position shall go to the regular assignee of such position. If the regular employee is not available an adjoining assigned employee will be called."

It is obvious that a furloughed Signal Maintainer is not entitled to recall for overtime work under the language of the Rule. As such a furloughed Maintainer is not a proper Claimant in this matter.

AWARD

Claim dismissed.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 28th day of December 1994.