

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30952
Docket No. SG-31182
95-3-93-3-240

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Chicago and North Western Transportation
(Company

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago & North Western Transportation Co. (CNW):

Claim on behalf of W.G. Myers for payment of 35 hours at the time and one-half rate, account Carrier violated the current Signalmen's Agreement, particularly Rules 2(b), 15 and 16, when it failed to utilize the Claimant to perform overtime service on December 15, 16, 17 and 18, 1991. Carrier's File No. 79-92-16. General Chairman's File No. S-AV-76. BRS File Case No. 9020-CNW."

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.

The fact situation in this case is that Carrier had a need for additional Signal Department employees to complete a signal project at Clinton, Iowa. Carrier chose to use a junior Signal Department employee regularly assigned to South Pekin, Illinois, to go beyond the limits of his assigned territory to assist in the completion of the signal project at Clinton, Iowa. The junior employee's use on this project extended over a four-day period and involved a total of 35 work hours, 19 of which were

overtime hours. Claimant is a more senior Signal Department employee who was also assigned at South Pekin, Illinois. He was not afforded the opportunity to perform the overtime work.

Except for this difference in the fact situation, the arguments, contentions, citations of authority, essential facts and circumstances in this case are the same as those advanced by the parties in Third Division Award 30833.

For the same reasons as discussed in Award 30833 this claim is sustained to the extent of the number of overtime hours involved herein.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 29th day of June 1995.