

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32131
Docket No. SG-32707
97-3-96-3-16**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard
(Coast Line)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (former Seaboard Coast Line):

Claim on behalf of F.D. Fullard for payment of 92 hours at the time and one-half rate, account Carrier violated the current Signalmen's Agreement, particularly Rule 16 and the Coordinated Signal Shop Agreement (Side Letter No. 8), when it used a junior employee for an assignment that included overtime service on various dates from April 11 to April 29, 1994, and did not afford the Claimant the opportunity for this assignment. General Chairman's File No. FDF-94. Carrier's File No. 15 (94-0050). BRS File Case No. 9709-SCL.”

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 were given due notice of hearing thereon.

During the period April 11 through April 29, 1994, the Carrier used Signalman J. B. McDonie (as well as maintenance of way employees and management) to ride Amtrak trains at the request of the Engineering Department to observe train operations and make suggestions for better operation practices in an effort to improve Amtrak on-time reliability. McDonie is junior to Claimant on the Signal Shop Seniority roster at Savannah. This claim seeks 92 hours of overtime on Claimant's behalf for the work performed by McDonie.

The burden in this case is on the Organization to demonstrate a violation of the Agreement. That burden has not been met.

Rule 16(c) states:

"When overtime service is required of a part of a gang, the senior qualified employees in the class involved shall have preference to such overtime if they so desire."

Side Letter No. 8 states:

"This will confirm our understanding that, when overtime work is available to hourly rated employees assigned to the consolidated signal shop, seniority order will govern in the offering of the overtime work in the work area involved and will be assigned to the senior employee if he so desires. It is understood that the present work areas for purpose of overtime assignment are identified as wiring, relay repair and refurbishing."

No Rule violation has been shown by the Organization for the special assignment given to the junior employee McDonie. McDonie's work was neither "part of a gang" under Rule 16(c) nor "work in the work area involved" under Side Letter No. 8.

In view of the above, this Board need not address the parties' other arguments.

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AWARD

Claim denied.

ORDER

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 13th day of August 1997.