

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33639
Docket No. MW-32453
99-3-95-3-348**

The Third Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

(Brotherhood of Maintenance of Way Employes

PARTIES TO DISPUTE:

**(CSX Transportation, Inc. (former Chesapeake and
(Ohio Railway Company)**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier failed to properly compensate Trackman R. W. Siemon for overtime service performed on July 11, 1994 [System File C-TC-5854-SPG/12(94-675) CSX].**

- (2) As a consequence of the above-stated violation, Claimant R. W. Siemon shall be allowed two (2) hours and fifteen (15) minutes' pay at his time and one-half rate.”**

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.

The Claimant holds seniority as a Trackman. In July 1993, he was assigned to System Production Gang (SPG) 5XT5, a Tie Gang working in the vicinity of Howell, Michigan. Gang Supervisor R. G. Ferri was in charge of the gang.

On July 11, 1994, the Claimant started working with SPG 5XT5. On July 13, 1994, he attended a meeting and dinner with the Safety Committee of the Tie Gang at a restaurant from 8:30 P.M. to 10:45 P.M. None of the employees who attended this dinner and meeting was compensated.

On July 18, 1994, the Claimant requested his General Chairman to submit a time claim for the 2 hours and 15 minutes that he attended the dinner and meeting. The Claimant maintained that he was required to attend this dinner and meeting in order to become safety certified.

The Carrier denied the claim insisting that the Claimant's attendance at the dinner and meeting with the Tie Gang's Safety Committee was voluntary. Gang Supervisor Ferri alleged that the Claimant was not directed to attend this meeting. Rather, he was given a courtesy invitation to have dinner with the Gang's Safety Committee, which invitation he accepted.

It does not appear from the evidence before the Board that the Claimant was directed to attend the July 13, 1994 dinner and meeting with the Safety Committee of Gang SPG 5XT5. The meeting was not a certification class. The Safety Committee was comprised of volunteers who were not compensated for participating in the dinner and meeting on the evening of July 13, 1994.

Even if the Claimant had been directed to attend the dinner and meeting with Gang SPG 5XT5's Safety Committee on July 13, 1994 he would not have been entitled to compensation because there is no specific Rule providing for such payment. The Board has consistently held that employees who are required to attend periodic Rules classes on their own time are not entitled to compensation absent a specific Rule providing for such a payment. (See for example, Third Division Award 14202.) For all the foregoing reasons, the instant claim must be denied.

Form 1
Page 3

Award No. 33639
Docket No. MW-32453
99-3-95-3-348

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 16th day of November 1999.