

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35035
Docket No. SG-35111
00-3-98-3-862**

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

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

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 K. R. Lamb for payment of four hours at the time and one-half rate, account Carrier violated the current Signalmen’s Agreement, particularly Rule 16 and Agreements S-069-87 and 6018-15, when it used a junior employee instead of the Claimant to perform overtime work on October 24, 1997, and deprived the Claimant of the opportunity to perform this work. Carrier’s File No. 15(98-91). General Chairman’s File No. SCL/51/98. BRS File Case No. 10699-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.

This claim arises from the Carrier having an operational need to work two eight-hour shifts at the Savannah Signal Shop on a rest day, Saturday, October 24, 1997.

The arguments of the parties are basically the same as those set forth in a claim advanced to the Board in a similar dispute, viz, Third Division Award 35033, except that the instant claim involves a different Claimant on a subsequent date.

Basically, the Carrier maintains that pursuant to applicable Rules it called employees in seniority order to each work eight hours on either of the two rest day shifts regardless of what shift they were working during the week, whereas the Claimant contends that he should have been permitted to work eight hours on the first shift and four hours on the second shift as a more senior employee to a junior employee who was called to work eight hours on the second shift.

For the same reasons that the Board set forth in disposition of the prior dispute, this claim will likewise be denied.

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 25th day of October, 2000.