

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35940
Docket No. MS-36042
02-3-00-3-199**

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

PARTIES TO DISPUTE: (William J. Halstead
(New Jersey Transit Rail Operations)

STATEMENT OF CLAIM:

- “(a) The Carrier violated the New Jersey Transit Clerks Rules Agreement, particularly Rules 1, 19(f), or 19(g), 25, 28, 31 and other rules when it assigned the responsibility of accepting Vacation Change Bid requests (see attached forms) from Engineers and Assistant Engineers to Claimant, William J. Halstead, Crew Caller Symbol D223, 3:59 PM to 11:59 PM, Wednesday through Sunday, One Penn Plaza East, Newark, NJ, during his tour of duty on the dates of February 12, 21, 26 and March 12, 1998.
- (1) It has long been established, since January 1, 1996, that the handling of such requests was a function assigned to the Manager of Crew Assignment. The attached form itself indicates that such requests should be forwarded to the aforementioned.
- (2) However, should the Manager of Crew Assignments or his superiors wish to delegate this function to Crew Callers' positions, then we have to ask that these responsibilities be added to the Crew Callers' positions in accordance with the applicable Rules (28 and 31) of our Agreement with the Carrier.
- (b) The Organization contends that, the duties performed by Mr. Halstead on February 12, 21, 26 and March 12, 1998 were not a normal part of his job description, and therefore, the performance of such duties were in violation of the current Rules Agreement.
- (c) The Organization now requests that claimant, W. Halstead, be compensated an additional 8 hrs. pay at the overtime rate of \$28.46 per hour for each of the dates of February 1, 21, 26 and March 12, 1998, for the performance of duties outside the scope of his position.

- (d) This claim is presented in accordance with Rule 41 of the Agreement between the parties and should be allowed.”

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.

In Third Division Award 35937, the Board expressed its opinion on the merits and procedural arguments presented by the Claimant in a long list of the same or similar cases. The text of that Award applies equally as well to this case.

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 20th day of February, 2002.