

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37182
Docket No. SG-37991
04-3-03-3-421

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Amtrak (NRPC):

Claim on behalf of L. R. Hurlburt, for \$261.60, three (3) days difference in pay lost for only being compensated straight time pay on his rest days and being changed from his normal position, account Carrier violated the Signalmen's Agreement, particularly Rules 52, 20, 27 and 28, when it required the Claimant to attend engineering training camp on March 19, 2002 through March 21, 2002, wherein he was instructed and tested on his normal rest days and outside his normal advertised hours and was denied proper compensation for the rest days. Carrier's File No. NEC-BRS(S)-SD-974. General Chairman's File No. JY32101014-180210. BRS File Case No. 12741-NRPC(S)."

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 record reflects that the Claimant was regularly assigned as a Communications Technician, working 3:00 P.M. to 11:00 P.M., Thursday through Monday (with Tuesday and Wednesday rest days). The Claimant was assigned to attend an Engineering Department training camp from 11:00 P.M. - 7:00 A.M., Tuesday, March 19 through Thursday, March 21, 2002. The Claimant was compensated at the straight time rate for his attendance at the training camp. The Organization filed a claim seeking compensation at the overtime rate. During handling on the property, the Carrier paid the Claimant at the overtime rate for the time he actually spent in examinations outside of his regular hours, but denied the remainder of the claim.

Public Law Board No. 6369, Award 2 held that time spent in training outside of an employee's regularly assigned hours need only be compensated at the straight time rate. Because the Claimant has been compensated at the overtime rate for the time spent in examinations and is not entitled to compensation beyond the straight time rate for other time spent in training, the claim must 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 28th day of September 2004.