

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37212
Docket No. SG-37858
04-3-03-3-227

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation, Inc. (CSXT):

Claim on behalf of R. E. Hughes and J. H. Turbeville, for 30 hours and 40 minutes at the time and one-half rate for R. E. Hughes, and 26 hours at the time and one-half rate for J. H. Turbeville, account Carrier violated the Signalmen’s Agreement, particularly Rule 16, beginning March 3, 2002 through March 15, 2002, when it assigned two employees to work planned overtime following a T&S gang instead of the Claimants who were senior, who live in the area of the work, and had previously requested to cover this planned overtime. Carrier’s File No. 15(02-0110). General Chairman’s File No. SCL-07-03-02A. BRS File Case No. 12581-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.

The Claimants in this case were at all relevant times herein assigned as Signal Maintainers in the Carrier's Signal Department when, between March 3 and March 15, 2002, the Carrier assigned employees from Team 7V09, rather than the Claimants who had more seniority, to work overtime following a BMWE-represented T&S gang on the Dillon Subdivision. The Organization contends that in doing so the Carrier violated Rule 16 that provides "(w)hen overtime . . . is required of part of a gang, the senior qualified employees in the class involved shall have preference to such overtime. . . ."

We disagree. By the plain language of Rule 16, the entitlement to overtime arises only if the overtime is required of a gang of which the senior qualified employees who desire the overtime are a part. In the instant case, such was not true. The Claimants were members of Gang 7X02, but the overtime was required of Team 7V09. Thus, they had no entitlement to the overtime work.

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.