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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 37613
Docket No. SG-37978
05-3-03-3-406**

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(CSX Transportation, Inc. (former Baltimore and
(Ohio Railroad Company)

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 E. T. Frazier, for 431 hours at the overtime rate for B&O Foreman, account Carrier violated the current Signalmen's Agreement, particularly Rule 14(G) when it allowed three Signal Foremen younger than the Claimant to work overtime ahead of the Claimant denying him the opportunity to work the overtime. Carrier's File No. 15(02-0165). General Chairman's File No. TI-01-11-02. BRS File Case No. 12654-B&O."

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.

At the time this dispute arose the Claimant was assigned to Gang 7X18 working out of Martinsburg, West Virginia. Three other gangs with Foremen junior to the Claimant were working at Pittsburgh, Pennsylvania.

This dispute arose during the period of June 13 through August 14, 2002 when the gangs at Pittsburgh worked 431 hours overtime.

The Organization filed this claim accusing the Carrier of violating Rule 14, which reads:

**“RULE 14
OVERTIME AND CALLS**

- (g) When overtime service is required of a part of a gang or group of employees, the senior employees of the class involved, who are available, shall have preference of such overtime if they so desire.”

The Organization failed to meet its burden that the Rule was violated. The overtime worked by the gangs at Pittsburgh was in connection with their construction assignment. At the time, the Claimant was working at other locations. The Carrier cited numerous Awards that held that overtime on a task goes to those performing the task.

AWARD

Claim denied.

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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 22nd day of September 2005.