

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 41193
Docket No. SG-40754
12-3-NRAB-00003-090023

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Northeast Illinois Regional Commuter Railroad
(Corporation (Metra)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Northeast Illinois Regional Commuter Rail Corp.:

Claim on behalf of J. W. Price, for 12 hours overtime account Carrier violated the current Signalmen's Agreement, particularly Rule 15 and Side Letter 10 (dated October 24, 1989), when it used a junior employee instead of the Claimant for overtime service on March 5, 2006 and denied the Claimant the opportunity to perform this work. Carrier's File No. 11-21-563. General Chairman's File No. 119-SW-06. BRS File Case No. 14134-NIRC.”

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 Claimant was a Signal Electronic Technician (SET) headquartered at 179th Street on the Southwest Service District with the Carrier's system as an assigned territory. The Claimant worked a Monday through Friday schedule.

On Sunday, March 5, 2006, the Carrier assigned overtime to a Testman junior to the Claimant who was headquartered at Blue Island on the Rock Island District and who was regularly assigned to districts including the Rock Island, Gulf Mobile and Ohio and Southwest Service Districts. The junior Testman was assigned to change out and test the vital program EPROMS at CP Palos, which required all FRA tests. On March 3 and 4, 2006 – the days immediately preceding the March 5, 2006 disputed work assignment – the junior Testman worked at CP Palos replacing EPROMS. The overtime work performed on March 5, 2006 by the junior Testman was a continuation of the work previously performed by him at CP Palos. In the days prior to March 5, 2006, the Claimant was not involved in the work at CP Palos.

The Organization's claim and arguments in this case rely upon the October 24, 1989 version of Side Letter No. 10 and Rule 15.

The October 24, 1989 version of Side Letter 10 provides, in relevant part:

“SIGNAL ELECTRONIC TECHNICIAN: An employee assigned the duties of adjusting, repairing, maintaining and replacing electronic and electromagnetic components, and equipment used in connection with the systems and devices covered by this Agreement. Such employee may in the performance of his duties, supervise, instruct or direct any employees who may be assisting him in his work.”

Rule 15 provides, in relevant part:

“When overtime service is required of a part of a group of employees who customarily work together, the senior qualified available employees of the class involved shall have a preference to such overtime if they desire.”

This is not a case where the Claimant is asserting entitlement to overtime on the basis of prior rights for work performed on his prior righted district where he is stationed pursuant to the May 16, 1999 version of Side Letter 10. See Third Division Award 41188 and authority cited therein. This is a claim by an SET for an overtime assignment on work he was not associated with during the days prior to the overtime assignment where the overtime work was assigned to a junior Testman who was associated with the work during the days prior to the overtime assignment. Neither the 1989 version of Side Letter No. 10 nor Rule 15 relied upon by the Organization entitled the Claimant to the work in dispute.

Accordingly, this 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 22nd day of February 2012.