

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 41201  
Docket No. SG-40840  
12-3-NRAB-00003-090138

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 R. B. Haywood and K. C. Lovato, for 22.5 hours pay each at their overtime rate, account Carrier violated the current Signalmen’s Agreement, particularly Rule 15 and Side Letter 10, when it used junior employees instead of the Claimants for service on October 22 and 23, 2007 (sic), denying the Claimants the opportunity to perform this work. Carrier’s File No. 11-21-539. General Chairman’s File No. 127-RI-05. BRS File Case No. 14115-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 Claimants are Signal Maintainers at the Gresham Interlocking and the Blue Island Interlocking on the Rock Island District working Monday through Friday schedules. The Claimants also hold prior rights on the Rock Island District.

On Saturday and Sunday, October 22 and 23, 2005 (incorrectly stated by the Organization in the claim as 2007 – and acknowledged by the Carrier in its Submission at Page 3, note 1 as a typographical error) the Carrier assigned employees junior to the Claimants to perform overtime work testing signal electrical cable on the Rock Island Engineering District including the main line territory (within the Rock Island District) which the junior employees also performed during their regularly scheduled workweek. This claim followed.

In Third Division Award 41188 the Board held that Side Letter No. 10 and Public Law Board No. 5565, Award 34 required that for employees stationed on their prior rights district, “[p]rior rights takes priority in the exercise of seniority, overtime allocation. . . .” That same rationale governs this matter. An employee with prior rights on the Rock Island District and stationed on that district is entitled to overtime opportunities on that district based on greater seniority gained through prior rights. Because of their greater seniority through their prior rights on the Rock Island District, the Claimants were therefore entitled to the overtime on October 22 and 23, 2005.

The Claimants shall be made whole for any lost overtime opportunities on the dates set forth in the claim. However, if the Claimants earned overtime on any of the dates set forth in the claim, those amounts shall be offset against the Carrier’s liability.

**AWARD**

Claim sustained in accordance with the Findings.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of Third Division

Dated at Chicago, Illinois, this 22nd day of February 2012.