

Award No. 13567

Docket No. SG-12383

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

HUDSON & MANHATTAN RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Hudson and Manhattan Railroad Company:

In behalf of Mr. A. G. Babcock, Signal Repairman with headquarters at Henderson Street Yard, for eight (8) hours at the time and one-half rate account Carrier assigning a junior Signal Repairman to perform overtime service on August 3, 1959.

[Carrier's File: Time Claim No. 136]

EMPLOYEES' STATEMENT OF FACTS: Mr. A. G. Babcock is regularly assigned to a position of Signal Repairman with headquarters at Henderson Street Yard. The assigned hours of Signal Repairman Babcock's position are from 8:00 A. M. to 4:00 P. M., and the regular assigned work week is from Monday through Friday with rest days of Saturday and Sunday.

On Monday, August 3, 1959, due to high tension trouble occurring in Tunnel B in the area of the Christopher Street Station it was necessary that the Carrier assign a Signal Repairman on overtime to the trouble area. The particular area in which the trouble occurred was not a part of any Signal Repairman's territory and the Carrier assigned the overtime work to a junior Signal Repairman, L. Bogner. Signal Repairman Bogner's assigned work location was at Caisson No. 3 with similar work hours and days as regularly assigned to Signal Repairman Babcock.

Inasmuch as Signal Repairman Bogner was a junior employe to Signal Repairman Babcock, a time claim was submitted by Signal Repairman Babcock to Mr. A. D. Moore, Superintendent, Signal System and Way, for eight (8) hours at the time and one-half rate for the overtime work performed by the junior Signal Repairman Bogner on August 3, 1959.

The claim was denied by Mr. Moore in a letter to Mr. Babcock dated September 20, 1959, in which it was alleged that there was no basis for the claim.

The claim was subsequently turned over to General Chairman J. J. Reese who appealed the claim to Mr. James C. Warren, General Superintendent, under date of October 30, 1959, as follows:

CONCLUSION

Carrier submits that the employee's claim is without merit and should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: For the reasons stated in Docket SG-12382, we hold that the Agreement was not violated.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement of the parties was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1965.

DISSENT TO AWARD 13567, DOCKET SG-12383

My Dissent to Award 13566 also applies to this case.

G. Orndorff
Labor Member