

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20751
Docket Number SG-20683

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Missouri Pacific Railroad Company:

On behalf of Signalmen J. E. Crawford and M. L. Gleason for eight hours at the time and one-half rate for January 3, 1973, eight hours at the double time rate, and two hours at the time and one-half rate, for January 4, 1973, account other members of Signal Gang No. 1156 working overtime on those dates. (Carrier's file: G 225-624)

OPINION OF BOARD: After a severe ice storm hit the Kansas City area, Carrier instructed the foreman of Signal Gang 1156 to split his gang and send part of them to assist the Signal Maintainer whose territory includes Pleasant Hill. Claimants remained at Kansas City, performing necessary work at that location. Carrier has shown that the conditions which existed made it necessary to split the gang in order to protect all of the service. After this had been done, events occurred which caused the foreman and assistant signalmen to work overtime. The claim alleges a violation of Rule 307 which reads:

"RULE 307. PREFERENCE TO OVERTIME:

When overtime service is required, of part of a gang or group of employees, the senior employees of the gang or group of the class involved or available and desire the work will be given preference to it, when practicable to do so."

Carrier has raised an issue, and offered evidence to support it, which the employees have not met. The governing rule provides for overtime preference "when practicable to do so". Carrier has shown that weather and operating conditions made it necessary to split the gang and that events which occurred subsequent to that time necessitated the overtime. As a result, the Claimants were not in a position to work the overtime, in other words, it was not practicable to give them preference to it.

Award Number 20751
Docket Number SG-20683

Page 2

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 was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 20th day of June 1975.