

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21884  
Docket Number SG-21410

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Houston Belt & Terminal Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood  
of Railroad Signalmen on the Houston Belt &  
Terminal Railway Company:

On behalf of Signal Foreman G. S. Drake for an additional  
payment of 17 1/3 hours at time and one-half his straight time hourly  
rate (\$1214.98 per month), overtime hours worked on November 16 and 17,  
1974 -- payment due under Rule 305 of the Signalmen's Agreement of  
October 1, 1965.

OPINION OF BOARD: Claim is made for additional compensation for  
emergency work under the provisions of Rule 305 that  
provides:

"When overtime service is required of a part of a  
signal gang, the senior employe of the gang of the class  
involved, who are available and desire the work, will be  
given preference to it. The foreman assigned to such  
gang shall work and be paid overtime rate for the number  
of hours his gang works."

Carrier contends that Rule 305 applies to non-emergency work,  
and that Rule 602 (b), a specific rule, applies. Rule 602 (b) states  
in pertinent part:

"Employes paid on basis of monthly rate will not be  
required to perform ordinary maintenance or construction  
work on the sixth or seventh day (rest days) or holidays  
of their work week, but will perform emergency work as  
necessary to restore signal system interruptions."

It is clear that Rule 602 (b) applies in the instant dispute.  
Claimant, a monthly rated employe, was performing emergency work. There  
is no entitlement to additional compensation under the circumstances.  
See Third Division Awards 18962, 19355, and 20324 between the same parties.

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

The Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulus  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1978.