

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22386  
Docket Number CL-22244

Louis Yagoda, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
( Southeastern Demurrage and Storage Bureau

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8440) that:

"(a) The Bureau has violated the Rules Agreement, particularly Rule 34 when they required the claimant to suspend his regularly assigned duties in order to absorb overtime.

(b) Claimant W. H. Dickie, Jr. should be paid one day's pay for December 12, 1975 at the rate of one and one-half times the regular basic straight time rate of the claimant."

OPINION OF BOARD: Initially we are compelled to recognize that the Statement of Claim refers to a claim date of December 12, 1975. However, the rest of the Record leaves no doubt that the date in question is actually January 2, 1976.

On that date, Mr. R. O. McCollum was absent for compassionate leave. The position was not filled, and the duties were performed by the Claimant, who was on duty. A claim was filed in favor of Claimant contending he should not have been required to suspend his regular duties. The claim was one day at time and one-half. The Organization cites Rule 34 in support of their claim. It reads:

"RULE 34 - OVERTIME

"(d) In working overtime before or after assigned hours on assigned work days, employees regularly assigned to class of work for which overtime is necessary will be given preference. Where work is required by the Bureau to be performed on a day which is not a part of any assignment, it may be performed by an available extra or unassigned employee who will otherwise not have forty (40) hours of work that week; in all other cases by the regular employee.

"(e) Employees will not be required to suspend work during regular hours to absorb overtime."

Under the facts of the case, it cannot be said the Claimant was required to suspend work to absorb overtime. The claim is not supported by Rule 34, and therefore will be denied.

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:

*Adw. Paulina*  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of April 1979.

