

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22952
Docket Number SG-22876

Joseph A. Sickles, 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:

In behalf of Signalman J. R. Tyson; Assistant Signalmen Ricardo A. Martinez, Ronnie D. Gatewood and Larry I. Barnes; gang 1373, Palestine, Texas, for eight hours' pay at one and one-half times their straight time hourly rate of pay for November 13, 1977." [Carrier file: K 225-766]

OPINION OF BOARD: The Claimants normally work Monday through Friday, however they were required to report for duty at 8:00 p.m. on Sunday, November 13, 1977. This action was motivated by the Carrier's desire to have the individuals available for work on the next ensuing day and still permit them to have sufficient rest to comply with the Hours of Service Act.

The Carrier allowed certain overtime payments, however the Organization claims 8 hours compensation at the time and one-half rate.

The Carrier points out the basic need for transporting the Employees to the work site on the preceding evening, so as to insure as little disruption to the signal system as possible, and it also reminds the Board that it paid travel time to the Employees as required by the applicable agreement. Moreover, the Carrier argues that the Employees have failed to cite a pertinent rule which requires the payment requested in the claim.

We have reviewed the record in its entirety and, limited solely to the record before us and the rules cited by the parties, we are unable to find that the Employees have set forth a valid basis for the claim. Accordingly, we have no alternative but to deny the claim, as presented.

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 15th day of August 1980.