

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23899
Docket Number SG-23747

Carlton R. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen
{ Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: "Claims of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad:

Claim No. 1

General Chairman file: 23-J T Mitchum-79. Carrier file: 15-16(79-11)J

(a) Carrier violates the current Signalmen's Agreement, particularly Rules 16, 18 & 57.

(b) Carrier should now be required to compensate Mr. J. T. Mitchum, Signal Maintainer, four hours and thirty minutes at his time and half rate of pay. (For April 26, 1979)

Claim No. 2

General Chairman file: 24-A M Ezzell-79. Carrier file: 15-16(79-9)J

(a) Carrier violates the current Signalmen's Agreement, particularly Rules 16, 18 & 57.

(b) Carrier should now be required to compensate Mr. A. M. Ezzell, Signal Maintainer, three hours at his time and half rate of pay. (For April 26, 1979)

Claim No. 3

General Chairman file: 25-V E Barnes-C M James-79. Carrier file: 15-16(79-10)J

(a) Carrier violates the current Signalmen's Agreement, particularly Rules 16, 18 & 57.

(b) Carrier should now be required to compensate Messrs. C. M. James and V. E. Barnes three hours at their time and half rate of pay. (For April 26, 1979)

Claim No. 4

General Chairman file: 26-Gang 10-79. Carrier file: 15-16(79-12)J

(a) Carrier violates the current Signalmen's Agreement, particularly Rules 16, 18 & 57.

(b) Carrier should now be required to compensate Signal Gang #10 employees D. W. Lloyd, D. B. Grice, H. A. Melton, I. Bennett, R. T. Warnock, K. E. Bartley, C. C. Clayton and T. L. Woodard three hours at their time and one half rate of pay for services performed on June 4, 1979.

Claim No. 5

General Chairman file: 27-J W Harrington et al-79. Carrier file: 15-16(79-15)J

(a) Carrier violates the current Signalmen's Agreement, as amended, particularly Rules 16, 18 & 57.

(b) Carrier should now be required to compensate Messrs. J. W. Harrington and J. L. Tunnicliff five hours and forty minutes; V. E. Smith four hours and thirty five minutes; G. M. Lovin two hours and forty five minutes; E. T. Brown three hours and fifteen minutes; R. D. Allen, D. T. Karle and C. B. Terry two hours and thirty minutes, at their time and one half rate of pay. (For April 26, 1979)"

OPINION OF BOARD: The Organization has filed a claim for overtime payments for employees attending operating rules classes outside of, and in addition to, their normal employment hours.

It is agreed by both the Organization and the Carrier that the employees were required by the Carrier to attend these meetings outside regular hours.

The Claimants cite Rule 16 which requires payment to employees who perform services outside of the normal working hours.

A review of the many Awards on this subject matter reveals that they have held that classes on operating rules and safety rules are an exception to the general proposition that any time an employee is directed by the Carrier, he is performing work or service. See Award 21267 and 20323. We do not find anything materially different about the facts in this case to cause us to change the opinions as cited in those Awards.

For these reasons, the Board will deny the claims.

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

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of May 1982.