

The Third Division consisted of the regular members and in addition Referee Gil Vernon when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee on the National Rail Passenger Corporation (AMTRAK):

Claim on behalf of J. H. Redmon who is a Maintainer C&S headquartered in Baltimore, MD. His regularly assigned hours are 0700-1530 Monday through Friday, with relief days on Saturday and Sunday.

(a) Claim that the Carrier violated Article 2 (sect. 23, para. h) of the agreement between the Carrier and the Brotherhood of Railroad Signalmen, effective June 1, 1943. The agreement was violated when the Carrier used E. R. Sherrod to make circuit revisions at Landover interlocking from 0700 thru 1630 hours on September 29, 1984, and from 0700 thru 1700 hours on September 30, 1984. Mr. Sherrod was making the revisions as preparation for the Landover signal cutover.

At the time of occurrence, Mr. Redmon was the section maintainer headquartered at Landover, MD.

(b) Claim that Mr. Redmon be paid nine and one half hours at the time and one half rate of pay for the hours worked by Mr. Sherrod on September 29, 1984, and ten hours pay at the time and one half rate of pay for the hours worked by Mr. Sherrod on September 30, 1984. Mr. Redmon was available for the above mentioned overtime, but he was not called. Mr. Redmon was regularly assigned as the Landover section maintainer, and he should have been used ahead of Mr. Sherrod."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The most basic of facts are undisputed. The Carrier decided late in the day on September 28, 1984, that overtime was going to be required on the Claimant's territory on Saturday and Sunday, September 29 and 30, 1984. There is no dispute that under Article 2, Section 23, paragraph (h) the Claimant was entitled to first consideration for the overtime.

The dispute centers, not around the Claimant's entitlement to the job, but instead around the Carrier's efforts to contact the Claimant. The Organization does not believe they were adequate or reasonable. Moreover, it is the Organization's contention that, notwithstanding the Carrier's efforts to contact the Claimant on Friday, there was no attempt to contact the Claimant on Saturday for the Sunday work. On the other hand, the Carrier contends that the efforts were reasonable and there was no obligation to make separate calls for Saturday and Sunday.

It is the conclusion of the Board that the Carrier's efforts at contacting the Claimant were reasonable. The Claimant had been released from training classes at 1:00 P.M. on Friday. The Supervisor, a bargaining unit employee, who was assigned to fill out a six person crew for the weekend, was due to leave work at 3:30 P.M. He kept one of the slots open for the Claimant until 3:15 P.M. Up to this time and prior to this he made several attempts to reach the Claimant. At 3:15 P.M. the Supervisor contacted someone else.

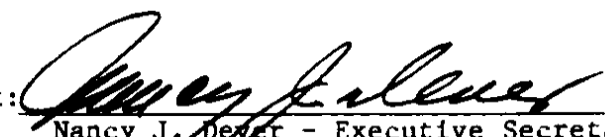
The Organization contends these efforts to reach the Claimant should have continued until 11:00 P.M. However, under these unique facts including the nature of the work project, the timing of the decision, and the nature of the Supervisor's assignment, it was reasonable to go to the next person on the list. At 3:15 P.M. it was prudent and reasonable for the Supervisor to assure he had a complete compliment of employees for Saturday by the time his shift ended at 3:30 P.M. Nor was it unreasonable in view of these same factors to treat the overtime opportunity as a single vacancy.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of November 1988.