

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

"Claim on behalf of J. H. Mullen, for 40 hours pay at his pro-rata rate of pay and 8 hours and 20 minutes pay at his punitive rate of pay, account of the Carrier violated the current Signalmen's Agreement, as amended, particularly, the Vacation Agreement, when it did not provide proper relief for vacationing maintainer, when it used Signal Maintainers T. W. Fogarty and G. J. Wees more than the 25% of workload for the week of June 13-17, 1988, on vacationing signal maintainers' territories." Carrier file No. SIG 181-44.

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 Organization asserts that employees worked more than 25 percent of the required work load on a vacationing maintainer's district, which prompted this Claim on behalf of a relief worker, for June 13-17, 1988.

There is absolutely no evidence in the record concerning June 16 and 17, 1988. However, our review of the documents convinces us that the Carrier violated the 25 percent rule regarding June 13, 14 and 15.

We do not find a basis for overtime compensation in this particular record. Accordingly we will sustain the Claim for eight (8) hours at the straight time rate for June 13, 14 and 15, 1988.

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Award No. 28630
Docket No. SG-28978
90-3-89-3-398

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of December 1990.