

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35353
Docket No. SG-35530
01-3-99-3-316**

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

PARTIES TO DISPUTE: (
(Brotherhood of Railroad Signalmen
(Canadian National / Illinois Central Railroad

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Illinois Central Railroad (IC):

Claim on behalf of D. Hahn for payment of \$4,500.68, account Carrier violated the current Signalmen’s Agreement, particularly Rule 13, Section (I), when it used a junior employee from the gang instead of the Claimant for overtime assignments. Carrier’s File No. IC-135-97-5. BRS File Case No. 10915-IC.”

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 employee 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 were given due notice of hearing thereon.

At the time this dispute began, the Claimant was assigned as a Signal Shop Foreman at the Carrier’s Woodcrest Shop. The penalty claims as submitted by him alleged that on 21 occasions in June and July 1997, the Carrier allegedly violated the terms and conditions of Rule 13, Section (i) when the Claimant was not used on an overtime basis to perform

service at the Operations Control Center located at the Homewood Administration Building.

Section (i) of Rule 13 reads as follows:

“Rule 13 – Overtime

- (i) When overtime service is required of a part of a gang or group of employees, the senior employees of the gang or group involved, who are available, shall have preference to it.”

It is abundantly clear that the Claimant was not part of a “gang or group of employees” which included the Signal Inspectors who were assigned to work at the Operations Control Center under the direct control and supervision of the Signal Engineer CTC. The record fails to show that the Claimant at any time exercised supervision, direction or control over the Signal Inspectors here involved. The Foreman’s singular association with this group of Signal Inspectors was, as stated in the Claimant’s initial claim presentation, that he kept the records of time worked by the Signal Inspectors – a time-keeping, payroll function – nothing more.

In conclusion, there is no evidence to support a contention of violation of the provisions of Rule 13(i). Therefore, the claims as presented are denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 20th day of March, 2001.