

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37183
Docket No. SG-37992
04-3-03-3-422

The Third Division consisted of the regular members and in addition Referee Martin H. Malin 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 of the Brotherhood of Railroad Signalmen on the Amtrak (NRPC):

Claim on behalf of W. J. Tuthill Jr., for \$263.90, three (3) days difference in pay lost for only being compensated at straight time pay for performing service outside of his regular advertised position, account Carrier violated the Signalmen's Agreement, particularly Rules 52 and 27, when it required the Claimant to attend engineering training camp on April 9, 2002 through April 11, 2002, wherein he was instructed and was tested outside of his normal advertised hours and was not properly compensated for the days. Carrier's File No. NEC-BRS(S)-SD-973. General Chairman's File No. JY32101012-180210. BRS File Case No. 12742-NRPC(S)."

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.

The record reflects that the Claimant was regularly assigned as a Relief Assistant Foreman, working 7:00 A.M. to 3:00 P.M., Sunday; 3:00 P.M. to 11:00 P.M., Monday and Tuesday; and 11:00 P.M. to 7:00 A.M. Wednesday and Thursday. The Claimant was assigned to attend an Engineering Department training camp from 7:00 A.M. - 11:00 P.M., Tuesday, April 9 through Thursday, April 11, 2002. The Claimant was compensated at the straight time rate for his attendance at the training camp. The Organization filed a claim seeking compensation at the overtime rate. During handling on the property, the Carrier paid the Claimant at the overtime rate for the time he actually spent in examinations outside of his regular hours, but denied the remainder of the claim.

Public Law Board No. 6369, Award 2 held that time spent in training outside of an employee's regularly assigned hours need only be compensated at the straight time rate. Because the Claimant has been compensated at the overtime rate for the time spent in examinations and is not entitled to compensation beyond the straight time rate for other time spent in training, the claim must be 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 28th day of September 2004.