

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 41195
Docket No. SG-40811
12-3-NRAB-00003-090025

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Northeast Illinois Regional Commuter Railroad
(Corporation (Metra)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Northeast Illinois Regional Commuter Rail Corp.:

Claim on behalf of D. A. Moore and R. W. Sorensen, for 26 hours each at the overtime rate of pay account Carrier violated the current Signalmen’s Agreement, particularly Rules 1, 15 and Side Letter 10 (dated May 16, 1999), when it used junior employees instead of the Claimants for overtime service on March 11 and 12, 2006 and denied the Claimants the opportunity to perform this work. Carrier’s File No. 11-21-571. General Chairman’s File No. 117-RI-06. BRS File Case No. 14041-NIRC.”

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.

This is basically the same dispute involving the same Claimants sustained by the Board in Third Division Award 41192. The work in dispute in this matter was weekend overtime on March 11 and 12, 2006, assigned to junior employees (Signal Electronics Technicians) on the Claimants' prior rights Rock Island District. The overtime was planned and involved testing the proper downgrade of signal aspects on the Root Street territory and the Gresham Interlocking on the Rock Island Engineering District. There is no showing that the Claimants were not qualified to perform the work.

As in Award 41192, Side Letter No. 10 and Public Law Board No. 5565, Award 34 govern this dispute and require a sustaining award.

In terms of a remedy, the Claimants shall be made whole for any lost overtime opportunities on the dates set forth in the claim. However, if the Claimants earned overtime on any of the dates set forth in the claim, those amounts shall be offset against the Carrier's liability.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 22nd day of February 2012.