

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 42130  
Docket No. SG-41358  
15-3-NRAB-00003-100237

The Third Division consisted of the regular members and in addition Referee Margo R. Newman 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 C. Alvarez and J. S. Anderson for three hours each at the overtime rate of pay, K. T. Barry and J. C. Hansen for two hours each at the overtime rate of pay, S. Castellana for three and one-half hours at his overtime rate of pay, and R. J. Shanahan for one-half hour at his overtime rate of pay, account Carrier violated the current Signalmen’s Agreement, particularly Rule 15, when it required Claimants to attend a meeting outside of their normal tour of duty on January 26, 2009, and failed to properly compensate them at their respective overtime rates of pay. Carrier’s File No. 11-37-714. General Chairman’s File No. 3-S-09. BRS File Case No. 14394-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 case protests the Carrier's payment of straight time for the Claimants' attendance at a mandated meeting outside of their normal tour of duty, rather than overtime. The Board confirms that, if the meeting is deemed to be mutually beneficial, then employees are not entitled to overtime, because it is well established that they are not performing service under Rule 15. However, after a thorough review of the record at a full Hearing, the Board finds that the facts of this case do not reveal that the meeting was of mutual benefit. Therefore, the claim has merit and should be sustained as presented. The Claimants shall be paid the difference between the straight time they received for attendance at the January 26, 2009 meeting and the overtime claimed.

**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 13th day of July 2015.