

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 42154
Docket No. SG-41553
15-3-NRAB-00003-110126**

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 Rail
(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 K. R. Spargo, for 12 hours at the overtime rate of pay for October 4, 2009, account Carrier violated the current Signalmen’s Agreement, particularly Rule 15 and the Side Letter dated April 15, 1994, when it failed to properly assign the Claimant and instead assigned a junior employee to work overtime. Carrier’s File No. 11-21-745. General Chairman’s File No. 101-ME-09. BRS File Case No. 14523-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 claim for planned Sunday overtime, presents the same set of facts and arguments, as those dealt with by the Board in Third Division Award 42153, and involves the identical work. The Claimant is also a Signaller headquartered at the Mokena Wire Shop assigned to Signal Gang No. 1 under Foreman Kieres, and the protested assignment of overtime work was to a different junior employee working on Signal Gang No. 12 under Foreman Kremer. The Board adopts the reasons set forth in that Award, and finds that the Organization failed to meet its burden to prove a violation of Rule 15 or the Side Letter concerning the assignment of gangs for overtime.

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 26th day of August 2015.