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AWARD NO. 5
NRAB DOCKET NO. CL-8030
CASE NO. 5
SSW FILE R-93-729-A-20
BRC FILE NR-27-32

SPECIAL BOARD OF ADJUSTMENT NO. 169

PARTIES } The Brotherhood of Railway and Steamship Clerks
TO }
DISPUTE } St. Louis Southwestern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood:

(1) That Carrier violated the Clerks' Agreement when it failed to compensate Mr. Dewey Burnside, Commissary Inspector, Dining Car Department, Texarkana, Texas, at punitive rate of pay for overtime hours worked by him.

(2) That Mr. Dewey Burnside be reimbursed at punitive rate of pay for 657 hours for work performed by him on an overtime basis from September 15, 1949, through December 31, 1951, in accordance with statement attached, which is designated as Employees' Exhibit A.

FINDINGS: Claim is made here by Claimant Dewey Burnside that he worked 657 hours overtime over a period of some two years time that was due him that had not been paid.

We first must look at the agreement between the Carrier and the Organization relating to overtime, and we find that Rule 32-11 reads as follows:

"32-11. No overtime will be worked unless authorized by proper authority except in cases where advance authority is not obtainable. Employees will be furnished suitable forms on which to report overtime worked and such forms will be submitted to the proper officer within thirty days from the time such service is performed."

It is apparent from the reading of the above rule that the employee was not authorized to work overtime unless he had received proper authority to do so. There is no showing made by the claimant here that he ever secured any authority to work overtime on the dates claimed. Therefore, if claimant worked any overtime, as claimed, it was without authority and on his own volition. Carrier has agreed with the organization that there were four hours overtime they would be willing to allow and the Board will not disturb that understanding between the parties. The remainder of the overtime claimed is not supported by authority and must be denied.

AWARD: It is, therefore, the Award of the Board that claimant be allowed four hours overtime and that the remainder of the overtime claimed be denied.

/s/ Frank P. Douglass
Frank P. Douglass, Chairman

/s/ W. E. Straubinger
W. E. Straubinger

/s/ L. C. Albert
L. C. Albert, Carrier Member

Tyler, Texas
March 8, 1957