

Special Board of Adjustment No. 956

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
New Jersey Transit Rail Operations, Inc.

STATEMENT  
OF  
CLAIM:

Carrier violated Rule 17 and other pertinent rules when, on March 2, 1985, it refused to allow B&B Mechanic R. Dagmen to perform overtime service and instead assigned a foreman and junior mechanics. He is entitled to 10 hours at punitive time rate of pay.

FINDINGS:

This case involves the same basic situation as was before us in Case No. 25. It concerns a protest by a B&B mechanic to the use of two junior B&B mechanics and two foremen to overtime work constructing a retaining wall. Unlike claimant, one of the foremen given the overtime had previously performed that work in the same work week.

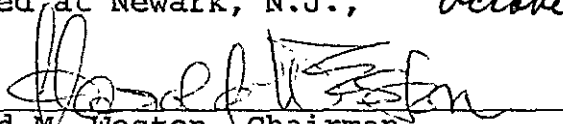
There is no evidence that any of the men assigned overtime were not qualified. Their assignment therefore is in line with the terms of Rule 17.

What this Board had to say in Award 24 involving Case No. 25 is equally applicable here. It was error to give Foreman Flannery, who had not previously worked in constructing the retaining wall, the overtime assignment. No convincing proof was presented to support the validity of his assignment.

AWARD:

Claim sustained to the extent of the number of hours overtime, not exceeding ten, worked by Foreman Flannery on March 2, 1985. To be effective within 30 days.

Adopted at Newark, N.J., *October 19*, 1987.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member