

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF
AMERICA

SOUTHERN RAILWAY SYSTEM

STATEMENT OF CLAIM: "Claim that J. D. Heard and E. C. Melton should have been assigned to positions advertised in Bulletin No. 553½, to which their seniority entitled them, and claim that they be compensated for the difference in their earnings since December 5, 1939 and the earnings of the junior employees who were assigned."

EMPLOYEES' STATEMENT OF FACTS: "On November 16, 1939 the following bulletin was issued and sent to the employees on the Western Lines seniority district of the Southern Railway System.

'BULLETIN NO. 553½:

The interlocking plants of the Atlanta Terminal Co., Atlanta, Ga. are to be rebuilt and the work will last six months and possibly longer.

Headquarters will be Atlanta, Ga., without camp car facilities and 6 days per week will be worked.

This is an Atlanta Terminal Co. job, Southern Ry. employees under my supervision will be given consideration in filling the positions. Those awarded any of the positions will be given a leave of absence from their permanently held Sou. Ry. jobs.

R. H. Youngblood has been temporarily transferred from the Atlanta Div. and assigned as Signal Foreman.

The following positions will be available and applications will be received by the undersigned up to and including Nov. 26, 1939.

- 1—Leading Signalman
- 3—Signalmen
- 2—Assistant Signalmen
- 2—Helpers

Applications for the above positions should be submitted separately from bids on Bulletin No. 553 and should indicate whether or not they are to be given preference over Bulletin No. 553.

L. C. Walters.

Cincinnati, O. Nov. 16, 1939.'

Mr. L. C. Walters, whose name is signed to this bulletin is the Signal and Electrical Superintendent of the Western Lines of the Southern Railway System, with headquarters at Cincinnati, Ohio.

"In consideration of all of which the claims made the subject of this dispute should be in all things denied."

OPINION OF BOARD: This claim and record disclose that employees of the Southern Railway Company are attempting to assert under their contract with that company seniority rights to work which was performed by the Atlanta Terminal Company on its property. The Atlanta Terminal Company is an entity separate and distinct from the Southern Railway Company and has an agreement with its employees.

We think it obvious that the agreement upon which these employees must rely gave them no rights to work performed by a company not party to the agreement, and upon property not only outside the seniority district of these employees (Rule 5, Agreement), but property of another company which has a separate agreement with its employees.

Employees rely upon Bulletin 553½, but under the agreement between this company and its employees this so-called bulletin can be construed as nothing other than a notification of the work to be performed by the Atlanta Terminal Company, and an announcement that Southern Railway Company employees will be given a leave of absence if they elect to apply for and are successful in obtaining work on the Atlanta Terminal.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That there has been no violation of the existing agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 17th day of December, 1940.