

Award No. 13952

Docket No. SG-14206

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William H. Coburn, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Pennsylvania Railroad Company that:

(a) The Company violated and continues to violate Article 1, Sections 2(a) and 4; and Article 2, Section 10(a) of the current agreement when it assigned Assistant Signalman K. M. E. Harmon to work with Leading Maintainer on the following dates and locations:

August 28, 29, 30 and 31, 1961—at Downingtown, Pa.

September 1, 5, 6, 11, 12 and 14, 1961—at Downingtown, Pa.

(b) Assistant Signalman K. M. E. Harmon be paid the difference between the Maintainer's rate of pay and that of Assistant Signalman on dates listed in claim (a). [System Docket No. 371—Phila. Region (Hbg. Dist. Case No. 16705)]

EMPLOYES' STATEMENT OF FACTS: This dispute arose as a result of the Carrier assigning an Assistant Signalman to work with and under the direction of a Leading Maintainer to perform the duties of a Maintainer on various dates, as outlined in our Statement of Claim.

Mr. K. M. E. Harmon, the Claimant in this dispute, had been regularly assigned to a position of Assistant Signalman. Mr. R. B. Trader had been regularly assigned to a position of Leading Maintainer, with jurisdiction over several Maintainers assigned to specific sections.

In view of the obvious violation, Local Chairman Ross S. Morris filed a claim in behalf of Assistant Signalman Harmon for the difference in Assistant Signalman and Maintainer rates of pay for all the days that the Assistant was required to work with and under the direction of a Leading Maintainer. The initial claim is dated October 23, 1961, and is attached hereto as Brotherhood's Exhibit No. 1.

Inasmuch as the Statement of Claim is identical in each of the letters which the Brotherhood will use as exhibits in this Submission and for the sake of brevity, the Statement of Claim will be omitted in all exhibits with the exception of Brotherhood's Exhibit No. 1.

Supervisor C. & S. J. M. Shultzabarger denied the claim in a letter dated December 22, 1961, attached hereto as Brotherhood's Exhibit No. 2.

Therefore, your Honorable Board is respectfully requested to deny the claim of the Employees in this matter.

(Exhibits not reproduced.)

OPINION OF BOARD: Under the Board's Opinion and Findings in Award 13950, this claim will also be denied.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the 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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schultz
Executive Secretary

Dated at Chicago, Illinois, this 5th day of November, 1965.