

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, 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) J. F. Wentzel be permitted to displace G. C. Seidler as Foreman of Camp Car Gang 012.

(b) J. F. Wentzel be paid the difference between his earnings as Signalman-Test and what he would have earned as Foreman T&S, Camp Car Gang 012, including holidays and vacation, beginning November 6, 1961, and continuing until he is permitted to exercise his prior right seniority and displace G. C. Seidler.

(System Docket No. 355 — Buckeye Region Case Z-81)

EMPLOYES' STATEMENT OF FACTS: *Prior to November 1, 1955, the operating territory which is now known as the Buckeye Region was really several separate and distinct operating territories or portions thereof, which territories were called Divisions. Signal Department Employees working on each Division accumulated seniority therein and were shown on the seniority roster applicable to their respective Division. Although effective November 1, 1955, the Operating Divisions lost their identity because they were merged into the operating territory now called the Buckeye Region; the seniority districts of Signalmen which had corresponded to the former Division territories remained unchanged. Furthermore, the rights of Signal Department Employees to accumulate or to exercise their seniority within the territorial seniority districts were neither modified or increased effective November 1, 1955. Therefore it should be understood that this dispute in no way involves the formulation of the Buckeye Region as it exists today.*

This dispute stems from a merger of former Division territories and, in fact, Signalmen seniority districts five years prior to the creation of the Buckeye Region. Prior to November 1, 1950, the present Columbus Seniority District, Seniority District No. 23, was divided into two separate and distinct seniority districts — the Columbus Division and the Sandusky Branch, and the Sandusky-Bayside yard track on the Toledo Division. These districts had

place the position of Foreman held by G. C. Seidler and he is not entitled to the compensation claimed.

Therefore, the Carrier respectfully submits that your Honorable Board deny the claim of the Employees in this matter.

(Exhibits not reproduced.)

OPINION OF BOARD: Pursuant to Article 4, Section 14 of the Master Agreement—Merger of seniority districts—the parties entered into an Agreement relative to merger of the Toledo and Columbus Divisions which reads in pertinent part:

“Effective November 1, 1950, the Main Line of the Toledo Division from Division Post (Eastern Division) to Detroit, Michigan, becomes a part of the Eastern Division. That part of the Toledo Division known as the Sandusky Branch extending from the Division Post (Columbus Division) to Bayside, and the Sandusky-Bayside yard track extending from Bayside to Sandusky becomes a part of the Columbus Division; therefore,

IT IS AGREED:

1. All T&S Department employees, including furloughed and promoted employees, retaining seniority under the provisions of the T&S Agreement, shall retain prior rights and continue to accumulate seniority in their original seniority district as that district was constituted immediately prior to November 1, 1950.

* * * * *

3. Employees possessing seniority in the T&S Department on the Columbus Division shall acquire seniority dating from November 1, 1950, on that portion of the former Toledo Division territory which was transferred to the Columbus Division.

4. Seven of the T&S Department employees of the former Toledo Division as of October 31, 1950, will begin to acquire seniority on the Columbus Division as of November 1, 1950.”

Immediately prior to the effective date of the Merger Agreement the only class in which Claimant was vested with seniority was that of “Helper” on the Columbus Division; and, as of that time an employee named Seidler was vested with seniority on the Toledo Division in the following classes: “Helper,” “Assistant Signalman” and “Maintainer.” The crucial fact is that neither Claimant or Seidler, when the Merger Agreement became effective, held seniority rights in the “Foreman” class.

Seidler was one of the Toledo Division employees merged into the Columbus Division.

Following the merger Seidler acquired a “Foreman” seniority date of June 24, 1957. About three years later, August 29, 1960, Claimant acquired seniority rights in the same class.

On November 3, 1961, Claimant’s Foreman’s position was abolished; whereupon, he sought to displace Seidler from a Foreman’s position. He was not permitted to do so. This gave rise to the Claim before us.

Signalmen contend: a Columbus Division employe at the time of the merger holds prior rights over any former Toledo Division employe to any position for which the Columbus Division employe first qualified subsequent to the merger; this, regardless of whether a former Toledo Division employe, after the merger, had first acquired an earlier seniority date in the same class in the same seniority district.

Reading the Merger Agreement along with Article 4, Section 1—Seniority classes and Section 4—Seniority districts of the Master Agreement, we find that the prior rights of the Columbus Division employes are confined to classes in which they held seniority rights immediately prior to the effective date of the Merger Agreement. We will deny the Claim.

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 10th day of December 1965.