



Award No. 14243

Docket No. SG-14411

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Bernard E. Perelson, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

**JOINT TEXAS DIVISION of Chicago, Rock Island and Pacific
Railroad Company - Ft. Worth and Denver Railway Company
(Burlington-Rock Island Railroad Company)**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Joint Texas Division of the Chicago, Rock Island and Pacific Railroad Company, Fort Worth and Denver Railway Company, that:

(a) The Carrier violated the current Signalmen's Agreement, as amended, particularly Rules 3, 11, 12, 22, 23, and the Seniority and Bulletining Rules, when, on June 1, 1962, it required monthly-rated Signal Maintainer J. C. Haynes, Richards, Texas, to leave his assigned signal maintenance territory and perform signal work on another signal maintenance territory from 1:00 P. M. until Midnight, a total of eleven (11) hours.

(b) The Carrier be required to compensate Signal Maintainer Haynes for an additional eleven (11) hours at the punitive rate of pay, this to be paid him in addition to what he has already been paid for that date.
[Carrier's File: Jt SG-3.]

EMPLOYES STATEMENT OF FACTS: As indicated by our Statement of Claim, this dispute is a result of Carrier's action of requiring a monthly-rated Signal Maintainer to perform signal work on another signal maintenance territory. A basic question for this Board to decide is whether or not a monthly-rated Signal Maintainer is entitled to additional compensation (beyond the established monthly rate) for work Carrier requires him to perform beyond the limits of the territory to which he had been assigned.

Carrier contends that a monthly rate is paid to a Signal Maintainer to compensate him for all services rendered Mondays through Saturdays anywhere on the entire railroad, whereas we contend that the monthly rate is paid to a Signal Maintainer for performing routine maintenance work Mondays

signal. Mr. J. J. Zalesak, the signal maintainer on whose territory the accident occurred, called Claimant J. C. Haynes at Richards and Signal Maintainer W. E. Harris at Teague, and requested them to bring such material they had available to assist in making emergency repairs to the flasher light signal at M. P. 74.8. These three signal maintainers completed the repairs before Midnight, Friday, June 1, 1962.

All three signal maintainers involved were monthly rated employees, with their regular week day assignments Mondays through Fridays; and, Signal Maintainers Harris and Zalesak did not claim any overtime for working Friday, June 1, 1962, beyond their regular assignments, as overtime pay in such circumstances is not provided for by the governing agreement.

Claim was presented and progressed by the Signalmen's Organization in behalf of Signal Maintainer J. C. Haynes for additional compensation for the emergency service performed on Friday, June 1, 1962, which the Carrier denied as additional compensation for emergency service performed outside of assigned hours is not payable under the agreement.

The agreement between the Joint Texas Division of the Chicago, Rock Island and Pacific Railroad Company — Fort Worth and Denver Railway Company and the Brotherhood of Railroad Signalmen, effective January 1, 1955, is on file with the Board and by this reference is made a part of this submission.

OPINION OF BOARD: This Docket was certified for simultaneous handling with Award No. 14242, the issue involved in both Dockets being the same. Our opinion in Award No. 14242 is hereby made the opinion of the Board in this Docket with the same force and effect as if fully set forth herein.

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

The Carrier did not violate the Agreement.

AWARD

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of March 1966.

**DISSENT TO AWARD NO. 14243,
DOCKET NO. SG-14411**

The Majority, in Award No. 14243, compound their error committed in Award No. 14242. For the reasons set out in our dissent to Award No. 14242, Award No. 14243 is in error. I therefore dissent.

W. W. Altus
Labor Member — 3/25/66