

Award No. 15360
Docket No. SG-13379

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur Stark, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

**SOUTHERN PACIFIC COMPANY
(Pacific Lines)**

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

(a) The Southern Pacific Company violated the current Signalmen's Agreement effective April 1, 1947 (reprinted April 1, 1958 including revisions), particularly Rules 42 and 70.

(b) The Carrier now be required to restore Mr. E. H. Ramey to his position of Leading Signalman, Signal Gang No. 8 at Stockton, and all other employees affected by his displacement to their respective positions.

(c) The Carrier now be required to compensate Mr. V. L. Griffith six (6) cents per hour for every hour he is compensated at the Signalman rate of pay, after February 10, 1961, and continuing until he is returned to his Leader's position.

(d) The Carrier now be required to reimburse Mr. R. L. Hicks in accordance with Rule 22 of the current agreement for personal expenses beginning February 12, 1961, and continuing until he is allowed to return to his former position as Signalman at Stockton. Form S 148 will be submitted on the 25th of each month as per company instructions. Expense account Form S 148 has been submitted for February 13 through the 24th in the amount of \$65.95 and expense account for February 27, 1961, through March 25, 1961, in the amount of \$152.11.

(e) The Carrier now be required to compensate Mr. M. H. Knigge six (6) cents per hour for every hour he is compensated at the Signalman's rate of pay after February 10, 1961, until he is returned to position as Leading Signalman.

(f) The Carrier now be required to compensate Mr. D. J. Hanna at the Signalman rate of pay for each regular compensated day that he is not allowed to work account of violation of Rule 42 of the Signalmen's Agreement. [Carrier's File: SIG 36-18; S-42-3-102.]

placed by Leading Signalman Griffith, exercised his seniority by displacing Signalman L. R. Hicks of Signal Gang 8. Signalman R. F. Cross in Signal Gang No. 2 at Martinez was displaced by Signalman Hicks. Signalman T. W. Eaves, on a temporary vacancy in Gang No. 2 at Martinez, was displaced by Signalman Cross. Assistant Signalman J. Finley, in Gang No. 2A at Martinez, who was displaced by Signalman Eaves, displaced Assistant Signalman J. Jordan in Gang 5 at Merced. Assistant Signalman J. Jordan was furloughed, as he did not have sufficient seniority to displace.

Claim as set forth in "Statement of Claim" hereinabove was submitted on behalf of Signalmen E. H. Ramey, V. L. Griffith, L. R. Hicks, H. M. Knigge, and D. J. Hanna by Petitioner's Local Chairman on the erroneous premise that by reason of an alleged violation of Rule 42 of the current Agreement in reducing Signal Gangs 7 and 8 as described in Item 2 above, claimants, under the provisions of Rules 22 and 70 of the current Agreement, are entitled to compensation claimed during the period involved.

4. Correspondence which passed between the Local Chairman and Carrier's division officers in connection with this claim is reproduced as Carrier's Exhibit B; and correspondence passing between the General Chairman and Carrier's Assistant Manager of Personnel is reproduced as Carrier's Exhibit C.

(Exhibits not reproduced.)

OPINION OF BOARD: This is a companion case to Award 15859 and the basic facts are similar.

In February 1961 Signal Gang No. 7, West Oakland, California consisted of one Signal Foreman, four Leading Signalmen, and eleven Signalmen (the latter two groups being in Seniority Class 3). On February 8 Carrier abolished the Leading Signalman position of M. H. Knigge, junior man in that classification. He displaced Signalman D. J. Hanna who was furloughed.

Signal Gang No. 8, Stockton, California consisted of one Foreman, two Leading Signalmen and four Signalmen. On February 8 Carrier abolished the Leading Signalman position of E. H. Ramey, the junior of the two men in that classification. He displaced Leading Signalman V. L. Griffith in Signal Gang No. 4A, Stockton who displaced Signalman W. Brown on Gang No. 4A who, in turn, displaced Signalman L. R. Hicks on Gang 8. Hicks was the junior Signalman on Gang No. 8 (and the junior Class 3 employee).

Petitioner argues that Management acted improperly since, under Rule 42, it was obligated, when reducing forces, to abolish the positions of the junior men in Seniority Class 3. Carrier affirms that Rule 42 calls for reductions by seniority within classification.

For the reasons stated in Award Number 15359, Parts (a), (b), (c), and (e) of the claim are sustained. Part (d) on behalf of R. L. Hicks and Part (f) on behalf of D. J. Hanna are denied because Hicks was the junior Class 3 man in Gang 8 and Hanna was the junior Class 3 man in Gang 7. The situation facing these men was the result of the force reduction and would have been the same had the Carrier applied the agreement in accordance with our interpretation thereof.

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 violated.

AWARD

Claim sustained except for Items (d) and (f).

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 16th day of February 1967.

**CARRIER MEMBERS' DISSENT TO AWARD 15360,
DOCKET SG-13379 (Referee Stark)**

For the reasons fully stated in our Dissent to Award 15359, we dissent to all portions of this Award which purport to sustain any part of the claim.

**G. L. Naylor
R. E. Black
T. F. Strunck
P. C. Carter
G. C. White**