Award Number 17325
Docket Number SG-18021

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

PENN CENTRAL COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Penn Central Company (former Pennsylvania Railroad Company) that:

(a) The Company has violated and is continuing to violate the Agreement, especially Article 5, Section 1(a), (b), (c), (d) and (e) as amended June 1, 1966 and others, when in a letter dated October 27, 1966, it issued orders requiring the following named employes in the "foreman class", S. L. Kalinowski, G. B. Staniscia, H. B. Coward and U. J. Braun to hold themselves available at all times after their regular tour of duty and assignments for emergency duty.

(b) The four (4) named employes of the "foreman class", set forth in Claim (a) above, be paid sixteen (16) hours at the time and one-half rate of their respective positions for Mondays to Fridays inclusive; and that they be paid twenty four (24) hours at the time and one-half rate of their respective positions for Saturdays and Sundays, account of the requirements contained in the letter and the violations cited in Claim (a) above, from October 28, 1966 and until corrected. (Carrier's File: System Docket No. 581—Pittsburgh Division Case No. BRS-156)

EMPLOYES' STATEMENT OF FACTS: On October 27, 1966, Carrier issued written instructions to Inspectors and Foremen under the jurisdiction of Communication & Signal Supervisor R. C. Ryberg that they were required to be available for emergency calls. They were instructed to arrange compliance and advise either the Supervisor or Assistant Supervisor C. & S. when they would be away from home after regular working hours. The notice signed by Mr. Ryberg is Brotherhood's Exhibit No. 1.

Inasmuch as the controlling Agreement contains no "Subject to Call" rule and there is no requirement for the employes to provide stand-by service without being paid additional compensation for such service, a claim was entered by Local Chairman D. R. Dunning on behalf of the four (4) employes in the so-called "Foreman Class", who were directly affected by the directive and to whom the notice had been addressed. The claim is Brotherhood's Exhibit No. 2 and was dated November 11, 1966.

The claim comprehends the payment to each designated employe at his respective time and one-half rate sixteen (16) hours' pay for each Monday

By letter dated November 11, 1966, the Local Chairman, Brotherhood of Railroad Signalmen, presented a claim identical to that outlined above in the Employes' Statement of Claim to the Supervisor, C.&S. The Supervisor denied the claim on November 21, 1966.

The claim was handled thereafter in accordance with the normal grievance procedure to the Manager, Labor Relations (now Director, Labor Relations), the highest officer of the Carrier designated to handle disputes. In progressing the claim, the parties prepared a Joint Submission, a copy of which is attached as Exhibit "1".

The General Chairman presented the claim to the Manager, Labor Relations at their meeting on October 24, 1967. The Manager denied the claim by letter of December 18, 1967, a copy of which is attached as Exhibit "2".

Therefore, so far as the Carrier is able to anticipate the basis of this claim, the questions to be decided by your Honorable Board are whether Carrier violated the Rules Agreement and whether the Claimants are entitled to the compensation claimed.

(Exhibits not reproduced)

OPINION OF BOARD: The facts and contentions of the parties in this docket are similar to those in Award 17324. For the reasons stated in that Award the claim herein will 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 Employes involved in this dispute are respectively Carrier and Employes 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of July 1969.

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