

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19269
Docket Number SG-19196

Thomas L. Hayes, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Penn Central Transportation Company, Debtor)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Penn Central Transportation Company (former New York Central Railroad Company-Lines West of Buffalo) that:

(a) Carrier violated the current Signalmen's Agreement, as amended, particularly the Scope, when it permitted Railroad Accessories Corporation to install highway crossing protection at Porter Street, Wyoming, Michigan, during August, 1969.

(b) Carrier should now be required to pay Messrs. C. F. Quada, A. H. Lodge and H. F. Pelton, at their respective rate of pay, for eight hours pro rata and two hours overtime each for August 14, 15 and 18, 1969, and ten hours each at the overtime rate for August 16 and 17, 1969. (Carrier's File: SIG C-12)

OPINION OF BOARD: This case involves the same issues as were contained in Award No. 19268 and relates to a claim that on the dates of August 14, 15, 16, 17 and 18, 1969, Carrier utilized employees of the Railroad Accessories Corporation to relocate and modernize the existing automatic crossing protection at Porter Street, Wyoming, Michigan in connection with the broadening of Porter Street by the Highway Department of the State of Michigan.

In this case, as in the previous case, Carrier asserted that it had been unable to hire a sufficient work force and that the work had to be done at a given time and had to be coordinated with certain work of the Michigan Highway Department.

For the reasons set forth in detail in Award No. 19268, we find that Carrier violated the Signalmen's Agreement, as amended, when it permitted Railroad Accessories Corporation to install highway crossing protection at Porter Street, Wyoming, Michigan in August of 1969, after having known months ahead of time that the project would be necessary.

Upon review of the particular facts in this case, we find that Claimants should be allowed 8 hours pro rata and 2 hours overtime each for August 14, 15 and 18, 1969, 10 hours each at the overtime rate for August 16, 1969 and 6 and 2/3 hours each at the overtime rate for August 17, 1969.

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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.

A W A R D

Claim sustained to the extent set forth in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 9th day of June 1972.