

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 21715
Docket Number SG-21825

George S. Roukis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Southern Railway **Company**)

STATEMENT OF CLAIM: Claims of the General Committee of the Brotherhood
of Railroad Signalmen on the Southern Railway
Company et al.:

Claim No. 1 - Carrier file SG-127

On behalf of D. E. Roquemore, Signal Maintainer, Swing Shift, **Brosnan** Yard, for two hours and forty minutes overtime account Carrier called H. E. **Bennett**, Signalman headquartered at Brosnan Yard, at **3:15** a.m. on July 26, 1975, to repair a light detector burned out in the bottom of group four at Brosnan Retarder Yard.

Claim No. 2 - Carrier file SG-131

On behalf of D. E. Roquemore, Signal Maintainer, Swing Shift, **Brosnan** Yard, for eight hours at the time and one-half rate, account Carrier used Signalman H. E. Bennett, Brosnan Yard, to fill the first shift at Brosnan Yard on Labor Day, September 1, 1975.

OPINION OF BOARD: Claimant asserts that Carrier violated Rule 37 **(b)** by its failure to call him for overtime on Saturday, July 26, 1975 (claim No. 1) at **3:15** A.M., and by its failure to call him to work on the September **1**, 1975 Labor Day holiday (claim No. 2).

Review of the record indicates that both the claimant D. E. Roquemore, a signal maintainer on the swing shift, and H. E. Bennett, signalman, are employed at the Brosnan Yard. Because of the illness of signal maintainer, J. F. Shankles, from the latter part of 1974 until around April, 1975, H. E. Bennett was temporarily assigned to fill it. Subsequently thereafter the position was bulletined again as a permanent vacancy subject to the return of J. F. Shankles, consistent with the requirements delineated in Rule 18 (b).

Unable to fill the position with bid applications from **employees** in the Lines West Seniority District, the Carrier requested supervisors to contact signal employees at Brosnan Yard according to seniority status. By letter of April 17, 1975 (Carrier exhibit **B**) Carrier apprised the Brotherhood that H. **E.** Bennett, as the senior employee, requested that he **remain** temporarily in said position until it was permanently occupied.

Standing alone it is clear that J. F. **Shankles** as signal maintainer on the first shift was senior to D. E. **Roquemore**, signal maintainer on the swing shift. The former's seniority date is August 14, 1967 while the latter's seniority date is March 29, 1971,

H. **E.** Bennett's seniority date **is** January 1, 1971.

Careful examination of the record, particularly respecting Rule II, Section (d) set forth hereinafter, doesn't distinguish between signalman and signal maintainer:

"Signalman, Signal Maintainer: (Effective June 19, 1921)
A **man** qualified and assigned to perform work generally recognized as signal work, together with all mechanics' work connected **therewith**, shall be classified as a signalman or signal maintainer."

Neither does the Agreement provide separate seniority lines for the aforesaid positions. Signal **employees** are in the Lines West Seniority District.

While admittedly Rule 37 **(b) - SUBJECT TO CALL** addresses Signal **Maintainers**, H. E. Bennett's greater seniority, albeit only two months, carries with it the senior status when he temporarily filled Shankles' position. Concluding **otherwise** would be to vitiate the seniority concept.

The claim is 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 **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 Agreement was not violated.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *AW. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1977.