

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22216
Docket Number Xi-22209

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company
(Pacific Lines)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (Pacific Lines):

(a) The Southern Pacific Transportation Company (Pacific Lines) violated the Agreement between the Carrier and its Employees in the Signal Department, represented by the Brotherhood of Railroad Signalmen, effective October 1, 1973, particularly Rule 19, which resulted in violation of Rule 72.

(b) Claimants Fisher, Morey and Wise be compensated thirteen (13) hours each at their respective overtime rates of pay for March 7, 1976." [Carrier file: SIG 148-262]

OPINION OF BOARD: A derailment occurred Saturday, March 6, 1976, causing damage to signal facilities. Signal maintainer Paulson, on whose maintenance district the derailment occurred, was unavailable and absent because of illness. Signal maintainers from adjoining maintenance districts were called to the derailment.

Emergency overtime work was assigned to a signal gang regularly assigned to perform signal construction. The signal maintainers who filed this grievance allege that they should have been called for emergency overtime work.

The Carrier has attached Exhibit F to its submission. That Exhibit is a letter from the former General Chairman which states, in part,

"In the past, when material has been needed in emergency situations where the work had to be performed on an overtime basis, employees assigned to regular maintenance duties and subject to Rule 16 have been called to perform the work, with gang men used only when needed for heavy work or repairs."

In view of this acknowledgment by the former General Chairman, a denial award is the proper remedy in this case.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 15th day of November 1978.

