

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22217  
Docket Number SG-22214

Don Hamilton, Referee

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

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

Claim NO. 1 - Carrier file: SIG 148-263

(a) That 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 Rules 9, 16, 34 and 35 which resulted in violation of Rule 72.

(b) That Mr. Lovotti be compensated for two and one-half (2 1/2) hours pay at overtime rate of \$10.43 per hour, account not being called when he was the Senior Employee available for duty.

Claim No. 2 - Carrier file: SIG 148-264

(a) That 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 Rules 9, 16, 34, 35, which resulted in violation of Rule 72.

(b) That Mr. J. T. Lovotti be compensated for four (4) hours at the overtime rate of his position, \$10.43 cents per hour, for the hours 10:30 PM April 15 to 2:30 AM April 16, 1976.

Claim No. 3 - Carrier file: SIG 148-265

(a) That 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 Rules 9, 16, 34 and 35 which resulted in violation of Rule 72.

"(b) **That** Mr. Lovotti be compensated for Nine (9) hours pay at **overtime** rate of \$10.43 per hour, account of not **being** called when he was the Senior **Employee** available for duty."

**OPINION OF BOARD:** The three **claims** involved in this dispute involve the **assignment** of overtime work on the basis of seniority **among employees** of the **same signal** gang. **Signalman** Lovotti is the **grievant** in each of the **three claims**. The claims arose because the Carrier allegedly called an **employee** for **overtime** work who is junior in seniority to the Grievant. The real issue involved is whether Carrier **made** the necessary effort to contact the Grievant.

In regard to **claims numbered 1 and 3**, it appears **from** the record that the Carrier did not **make** a sufficient effort to contact the Grievant. Except in instances of dire **emergency**, the Carrier is certainly required to **make more** than one attempt to contact the Grievant. X-

In regard to **claim** numbered 2, the record indicates that the junior **employee** was on duty. The Organization does not allege that he was improperly on duty. Therefore, it would not be necessary for the Carrier to call **out** the senior **employee** in circumstances where the junior **employee** was already on duty.

**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.

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**Claim 1** sustained; Claim 2 denied; **Claim 3** sustained.

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.