

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 24720
Docket Number **SG-24797**

Edward L. **Suntrup**, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(Southern Pacific Transportation Co. (Eastern Lines)

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

On behalf of Signalman K. N. **Pavlica**, Signal Gang No. 6, and Signalman D. E. Reed, Signal Gang No. 5, for 136 hours straight time pay and 29 hours overtime pay each account Houston Signal Shop signalmen making wiring changes outside **the** shop at Tower 68 and the new tower 87 building during November and **December** 1981. [Carrier file: 339-36-A]

OPINION OF BOARD: By notice dated January 7, 1982, a pay claim was made by the Organization for two (2) Signalmen assigned to the Houston Division of the Carrier. The instant case centers on whether these two (2) Signalmen **working** for this Division, or whether other employees working for the **Houston System** Signal Shop, had prior seniority right to perform wiring work at Carrier Tower 68 and the Carrier Tower 87 Building on or about November 16, 1981 and on or about **December** 1, 1981 and certain other days, as so stipulated in the Statement of Claim, which followed each of these dates. The Organization charges in the instant claim that the Carrier violated Rules 401 and 407 of the Agreement between the Organization and the Carrier dated September 30, 1969. **These** Rules, respectively, deal with seniority districts and with **the conditions** under which an employee from one seniority district may work in another.

A complete review of the record by the Board shows that the instant claim is defective by its reference to the 1969 Agreement for support. The seniority rights here at bar are not subject to that Agreement, but to the Agreement of August 15, 1978 and the consolidated seniority roster which is the result of this latter Agreement.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois this 9th day of March, 1984

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