

Award No. 1192

Docket No. SG-1259

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF
AMERICA**

NORFOLK AND WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: "The Brotherhood of Railroad Signalmen of America claim pay for ten days, May 2, 3, 4, 5, 6, 9, 10, 11, 12 and 13, 1938, in favor of J. M. St. Clair, G. R. Carr, J. V. Henretta, L. E. Dehart, R. W. Seay, H. S. Laprad and W. A. Conner, and eight days pay, May 2, 3, 4, 5, 6, 9, 10, and 11, 1938, for J. N. Blake, Jr., under rules in effect at that time as covered by schedule dated February 1, 1926."

JOINT STATEMENT OF FACTS: "On April 30, 1938, the following claimants, employed as assistant signalmen in the road construction department under the jurisdiction of the Superintendent of Telegraph and Signals (shown as Signal Engineers in Section 5, Article 3, of schedule) were laid off on account of reduction in force:

NAME	SENIORITY AS ASSISTANT SIGNALMEN	SENIORITY AS HELPER
J. M. St. Clair	7-16-36	8-28-34
J. N. Blake, Jr.	12-16-36	8-13-34
G. R. Carr	12-16-36	2- 1-35
J. V. Henretta	12-16-36	2- 1-35
L. E. Dehart	12-16-36	2- 1-35
R. W. Seay	12-16-36	2- 1-35
H. S. Laprad	8- 3-37	2- 1-35
W. A. Conner	8- 3-37	2- 1-35

"At the time that this force reduction was made, the following signal department employees were working in the signal repair shop at Roanoke, Va. (a part of the construction department under jurisdiction of the Superintendent of Telegraph and Signals):

NAME	SENIORITY AS ASSISTANT SIGNALMEN	SENIORITY AS HELPER
W. F. Smallwood	8- 2-37	- - -
C. G. Kulp	- - -	8-28-34
E. L. Leonard	- - -	12-16-35
E. T. Wright	- - -	5- 1-36
J. E. Bernard, Jr.	- - -	5- 1-36
H. W. Gorman	- - -	5- 4-36
B. W. Craig	- - -	5- 4-36
J. P. Tankersley	- - -	5- 4-36
G. F. Keeley	- - -	5- 4-36
W. J. Baldwin	- - -	5- 4-36

There is in evidence an agreement between the parties bearing effective date of February 1, 1926, which was the controlling agreement involved in this dispute.

OPINION OF BOARD: Under the facts and circumstances of this case, it is the opinion of the Board that the eight (8) claimants employed as Assistant Signalmen in the construction force should have been accorded their rights to displace eight (8) of the Helpers in the Signal Repair Shop. The right to displace Assistant Signalman Smallwood employed in the Signal Repair Shop as such, is denied under Rule 3, Section 3.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and the employes involved in this dispute are respectively carrier and employes 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 Employes' claim to displace Assistant Signalman Smallwood in the Signal Repair Shop is denied under Rule 3, Section 3. The claim of the Employes as to eight (8) Assistant Signalmen for displacement rights to positions of Helper in the Signal Repair Shop is sustained.

AWARD

Claim disposed of in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 3rd day of October, 1940.