

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Daniel House, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN
FORT WORTH AND DENVER RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Fort Worth and Denver Railway Company:

(a) The Carrier violated the current Signalmen's Agreement, particularly the Scope, when it assigned and/or permitted persons who hold no seniority or other rights under that agreement to install an electric switch lamp on Depot Track No. 1, Wichita Falls, Texas on January 31, 1961.

(b) The Carrier violated Article V, 1(a) of the August 21, 1954 Agreement when its letter of denial of February 16, 1961, failed to contain a reason for denying the claim.

(c) The Carrier should now be required to compensate Signal Maintainer G. W. Camp for two hours and forty minutes at his punitive rate of pay. (Carrier's File: SG-26)

EMPLOYEES' STATEMENT OF FACTS: On or about January 31, 1961, the Carrier assigned and/or permitted persons who hold no seniority or other rights under the current Signalmen's Agreement to install an electric switch lamp on Depot Track No. 1 at Wichita Falls, Texas, which is on the assigned signal maintenance territory of the Claimant, Mr. G. W. Camp.

Inasmuch as we consider that installing and maintaining electric switch lamps is generally recognized as signal work and, as such, covered by the Scope of the Signalmen's Agreement, the Claimant submitted an overtime slip for two hours and forty minutes at the overtime rate of pay for January 31, 1961. The Carrier's Auditor denied the claim in a letter dated February 16, 1961 (Brotherhood's Exhibit No. 1).

Under date of February 24, 1961, the Brotherhood's Local Chairman presented an appeal (Brotherhood's Exhibit No. 2) to the Carrier's Superintendent Communications and Signals, Mr. A. E. Parnell, with a copy thereof to the Auditor as notice of the rejection of his decision. Mr. Parnell's letter of denial of February 27, 1961, is Brotherhood's Exhibit No. 3.

amounting to two hours and 40 minutes at his punitive rate of pay, based on the allegation that the sectionmen who performed this work violated the Scope of the Signalmen's Agreement in doing so, which claim was denied.

The Carrier and Employees agree that this dispute is identical with a dispute covering the same work performed at Stamford, Texas, December 29, 1960, that is now before this Board.

Agreement between the Fort Worth and Denver Railway Company and Brotherhood of Railroad Signalmen effective November 1, 1946, amended September 1, 1949, is on file with the Board and by reference is made a part of this Submission.

OPINION OF BOARD: The parties have agreed that the dispute in this case is identical with that in Award 14676 between the same parties. For the reasons set forth in our Opinion in that case we will deny this claim.

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.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of July 1966.