Award No. 14988
Docket No. SG-14599

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Levi M. Hall, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

SOUTHERN PACIFIC COMPANY
(Pacific Lines)

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

(a) The Southern Pacific Company violated the current Signalmen's Agreement effective April 1, 1947 (reprinted April 1, 1958 including revisions) particularly Rules 35 and 70, and Memorandum of Agreement dated October 11, 1961.

(b) The following Western Division Signal Department employes be paid two hours each at their respective rates of pay for August 16, 1962:

G. O. Smith	Signal Foreman
B. L. Henderson	Lead Signalman
C. R. Vance	Signalman
G. Kangris	Signalman
W. J. Barger	Signalman
C. B. Williams	Assistant Signalman
R. E. Allison	Assistant Signalman
W. C. Wood	Assistant Signalman

[Carrier's File: SIG 148-86]

EMPLOYES' STATEMENT OF FACTS: Rule 35 of the Signalmen's Agreement provides that seniority rights of signal employes covered by that agreement are restricted to the territory over which one superintendent has jurisdiction. These separate seniority districts are referred to herein as "divisions."

A memorandum of agreement dated July 28, 1950 recognizes that the requirements of the service occasionally necessitate the temporary transfer of signal gangs to divisions other than the divisions on which the members thereof hold their seniority. That memorandum states how vacancies and new positions

4. The Shasta Division signal gang, previously established on November 20, 1961, and transferred to the San Joaquin Division under the provisions of the Memorandum of Agreement dated October 11, 1961, was working near Modesto, California, on Carrier's Western Division, in accordance with the provisions of Memorandum of Agreement dated July 28, 1950, when, on August 16, 1962, that gang was used to perform work in connection with the installation of a spur track and raising the signal pole line. On that date, claimants in this case, assigned to Western Division Signal Gang No. 5, were engaged in work connected with the CTC project between Lathrop and Fresno on the Western Division.

5. By letter dated October 12, 1962 (Carrier's Exhibit B), Petitioner's local chairman submitted claim on behalf of named signalmen assigned to Western Division Signal Gang No. 5 located at Merced, California, alleging they should have been used to perform the work mentioned above near Modesto on the Western Division that was performed by signal employes of the Shasta Division while the latter were temporarily working on the Western Division. Carrier's Division Superintendent denied the claim by letter dated November 7, 1962 (Carrier's Exhibit C). Petitioner's General Chairman appealed the claim to Carrier's Assistant Manager of Personnel by letter of November 20, 1962 (Carrier's Exhibit D), and the latter denied the claim by his letter of January 14, 1963 (Carrier's Exhibit E).

(Exhibits not reproduced.)

OPINION OF BOARD: The facts in this case are similar to and the issues are precisely identical with those under consideration in Award No. 14987 between the same parties and upon the same property. Award No. 14987 is controlling in this case and the Opinion in that award is by reference made a part of the Opinion.

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 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 Agreement has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of December 1966.

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