

Award No. 15356
Docket No. SG-16634

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN
SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY
(System Lines)

STATEMENT OF CLAIM: Claims of the General Committee of the Brotherhood of Railroad Signalmen on the Spokane, Portland and Seattle Railway Company:

CLAIM NO. 1

On behalf of Interlocking Maintainer F. E. Derthick, Vancouver, Washington, for time (two hours between 10:00 A. M. and 12:30 P. M. on June 22, 1965) worked off his territory during regular working hours, in violation of Rule 24 of the Signalmen's Agreement — such work being the removing, replacing and adjusting of switch circuit controller on switch at MP 1 account changing head blocks.

CLAIM NO. 2

On behalf of Signal Maintainer J. L. Herron, Farrington, Washington, for time (two hours between 10:30 A. M. and 12:30 P. M. on November 4, 1965) worked off his territory during regular working hours, in violation of Rule 24 of the Signalmen's Agreement — such work being repairs to Signal 242.4.

EMPLOYEES' STATEMENT OF FACTS: As indicated by our Statement of Claim, this dispute is based on the fact that the Carrier used Claimants off their territory during regular working hours.

These two claims were handled separately on the property. They were combined in our presentation to this tribunal because they involve the same issue — our contention that a monthly-rated employe is entitled to additional compensation when he is required to suspend work on his own territory during regular working hours in order to work elsewhere.

Correspondence pertinent to the Derthick claim is attached hereto as Brotherhood's Exhibit Nos. 1-A through 1-F. The Herron claim is covered by Nos. 2-A through 2-E. Exhibit No. 3 covers both.

As indicated by our exhibits attached hereto, these claims have been handled in the usual and proper manner on the property, up to and including

the highest officer of the Carrier designated to handle such disputes, without receiving a satisfactory settlement.

There is an agreement in effect between the parties to this dispute, bearing an effective date of March 1, 1951, as amended, which is by reference made a part of the record in this dispute.

(Exhibits not reproduced.)

CARRIER'S STATEMENT OF FACTS:

CLAIM NO. 1

On June 22, 1965, Claimant F. E. Derthick was assigned as interlocking Signal Maintainer with headquarters Vancouver, Washington. His assigned district extended from MP 5.1 to MP 14.9. His assigned working hours were 7:30 A. M. to 4:00 P. M. with thirty minutes for lunch.

On the date of this claim he went on duty at Vancouver at 7:30 A. M. and went off duty at Vancouver at 4:00 P. M. During that tour of duty he removed, replaced and adjusted a switch circuit controller in a turnout at MP 1 on the district of the adjacent maintainer who was absent on vacation that date. This service was started at 10:00 A. M. and completed at 12:30 P. M.

June 22, 1965 fell on Tuesday, which was an assigned work day for both claimant and his neighbor.

CLAIM NO. 2

On November 4, 1965, Claimant J. L. Herron was assigned as Signal Maintainer with headquarters Farrington, Washington. His assigned district extended from MP 255.4 to MP 276.9. His assigned working hours were 7:30 A. M. to 4:00 P. M. with thirty minutes for lunch.

On the date of this claim he went on duty at Farrington at 7:30 A. M. and went off duty at Farrington at 4:00 P. M. During that tour of duty he repaired a signal at MP 242.4 on the district of the adjacent maintainer who was absent that day due to illness. This service was started at 10:30 A. M. and completed at 12:30 P. M.

November 4, 1965 fell on Thursday, which was an assigned work day for both claimant and his neighbor.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Carrier and Employee involved in this dispute are respectively carrier and employee 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;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties and under date of January 20, 1967, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 14th day of February 1967.