



Award Number 17756

Docket Number SG-18177

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Charles W. Ellis, 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 (Pacific Lines) that:

- (a) The Southern Pacific Company has violated the current Signalmen's Agreement, effective April 1, 1947 (reprinted April 1, 1958 including revisions) when it failed and/or declined to apply Sections 5 and 6 of the Vacation Agreement, when it did not provide vacation relief worker or retain Signal Inspector W. S. Green on the job July 24, 1967, to August 19, 1967, resulting in violation of Rule 70.
- (b) Signal Inspector W. S. Green be paid for eight (8) hours each at the time and one-half rate for the following dates—July 26, 27, 28, 29, 31, August 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, and 19, 1967, as per Section 5 of the Vacation Agreement, as amended January 1, 1955. (Carrier's File: SIG 181-24.)

EMPLOYEES' STATEMENT OF FACTS: Claimant W. S. Green is a Division Signal Inspector classified in Rule 3 of the Signalmen's Agreement. He performs much of his work at the Tucson, Arizona, signal office. Such work includes, but is not limited to, (1) the posting and filing of Interstate Commerce Commission (ICC) reports, (2) making signal inventories, (3) preparing estimate forms and furnishing of plans (signal circuit blueprints, etc.) therewith, (4) checking, filing, receiving mailing plans, and (5) posting files on various types of signal equipment.

Signal Inspector Green was on vacation between July 24 and August 19, 1967. Carrier did not provide a vacation relief worker even though during that period:

1. Signal Maintainers, testmen, CTC foremen and Assistant Signal Supervisors continued to make and submit ICC reports
2. gangs continued to work on projects requiring inventories, changes in files, etc.
3. Carrier's main office (San Francisco) continued to send plans to the Tucson signal office.

Upon his return from vacation, Inspector Green was required to perform the work that accumulated during his absence. Because of this, the Broth-

procedural defect raised by Carrier due to the duplication of a claim previously handled on the property.

(Exhibits Not Reproduced)

OPINION OF BOARD: The record reveals that the substantive portion of this claim was fully filed with Carrier and ultimately appealed to Carrier's highest officer in a letter dated June 13, 1967, which included the following:

“‘D’ That all CTC Foremen, Codermen, Signal Inspectors—Division, and Signal Maintainers on the Tucson Division seniority district, be relieved during vacation periods in the calendar year 1967, as specifically provided by Section 6 of the Vacation Agreement.”

The claim was disallowed by Carrier's highest officer under date of July 13, 1967, and no appeal was taken within nine months. The claim is therefore barred by the provisions of Article V, Section 1(c) of the National Agreement of August 21, 1954, and must be dismissed.

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.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 9th day of March 1970.