



Award Number 17775

Docket Number SG-17092

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

THE WESTERN PACIFIC RAILROAD COMPANY

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

- (a) The Western Pacific Railroad Company violates the current Signalmen's Agreement, effective September 1, 1949, and reprinted July 1, 1961 (including revisions), when it fails and/or declines to apply either Rule 70 or Rules 28 and 33 by arbitrarily changing the headquarters of Mr. Vlasak's assignment in complete disregard of the agreement.
- (b) Mr. J. E. Vlasak be allowed time and one-half the Circuit Designer's rate of pay in addition to straight time of Circuit Designer for each day he is required to fill the position of Circuit Designer at Sacramento and not allowed to fill his assignment of Circuit Designer at San Francisco.
- (c) Mr. Vlasak be allowed actual necessary expenses for each date he is required to be away from his assigned home station at San Francisco.

This claim is to be considered continuing from January 31, 1966, until Mr. Vlasak is returned to his assignment at San Francisco, California.

Carrier's File: D-Case No. 7660-1966-BRS; Local Case No.-None; Signal Department

EMPLOYEES' STATEMENT OF FACTS: This is one of several disputes which arose after Carrier consolidated its Signal and Communications Department effective January 1, 1966, then transferred the headquarters for the combined department from San San Francisco to Sacramento on or about January 24, 1966.

In connection with this transfer, Carrier intended to transfer three signal employees and their positions with duties unchanged, including Claimant Vlasak who was the incumbent of a position of Signal Draftsman-Circuit Designer at San Francisco.

This claim is based on our contentions that Mr. Vlasak was taken by Carrier away from his assigned position at San Francisco in violation of the Signal-men's Agreement, and that he should be allowed pay and expenses according to our Statement of Claim until he is returned to his rightful position at San Francisco or until his position there is properly abolished.

Attached as Carrier's Exhibit "A" is copy of letter dated December 16, 1965 written to General Chairman R. T. Bates following several discussions of the matter. Attached as Carrier's Exhibit "B" is copy of Mr. Bates' reply dated January 16, 1966.

Because of the obvious dispute existing between the parties involving interpretation and application of the February 7, 1965 Agreement, under date of February 8, 1966 Carrier submitted the issues for decision to the Disputes Committee established by the parties in Article VII of the February 7, 1965 Agreement to resolve such disputes. Attached as Carrier's Exhibit "C" is copy of Carrier's submission to the Disputes Committee established by the February 7, 1965 Agreement.

The instant dispute is one of six separate disputes, all involving transfer of the Signal Engineer's office to Sacramento, which the Signalmen's Organization has submitted either to your Board or to the Disputes Committee established by Article VII of the February 7, 1965 Agreement.

(Exhibits not Reproduced)

OPINION OF BOARD: This dispute is companion to one we have decided in Award 17774 and for the reason stated therein we will deny the 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of March 1970.