



**Award Number 17776**

**Docket Number SG-17089**

**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 Rules 58, 59, 60, 62 and 69 by not advertising the position of Signal Draftsman-Circuit Designer at Sacramento, California, for seniority choice.
- (b) Mr. A. H. Schmitt be allowed the difference between his assigned rate of General TCS Maintainer and the rate of Signal Draftsman-Circuit Designer for each date he is not afforded the opportunity to exercise his seniority by bidding on the Signal Draftsman-Circuit Designer position at Sacramento, California, commencing January 24, 1966.
- (c) Mr. Schmitt be allowed overtime rate of Signal Draftsman-Circuit Designer for any hours which he is caused to perform service, outside of the assigned hours of the Signal Draftsman-Circuit Designer position, Sacramento, California, commencing January 24, 1966.
- (d) Mr. Schmitt be allowed overtime rate of Signal Draftsman-Circuit Designer for any and all hours that the assigned employee, Mr. J. E. Vlasak, is allowed and/or required to perform overtime service, commencing January 24, 1966.

The above claim is to be considered continuing from January 24, 1966, until the position of Signal Draftsman-Circuit Designer is properly advertised for seniority choice.

[Carrier's File: D-Case No. 7657-1966-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 Departments effective January 1, 1966, then transferred the headquarters for the combined department from San Francisco to Sacramento on or about January 24, 1966. Signal employees affected by the transfer and/or involved in this series of disputes, and the positions they held prior to the transfer, include the following:

**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 the 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.