

**NATIONAL RAILROAD ADJUSTMENT BOARD****THIRD DIVISION**

Paul C. Dugan, Referee

**PARTIES TO DISPUTE:****BROTHERHOOD OF RAILROAD SIGNALMEN****SOUTHERN PACIFIC TRANSPORTATION 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 (Pacific Lines) violated the current Signalmen's Agreement effective April 1, 1947 (reprinted April 1, 1958, including revisions) and particularly the last paragraph of Rule 13, which resulted in a violation of Rule 70.

(b) Mr. C. V. Brown be compensated in addition to other allowances a total of eleven and one half (11½) hours at his overtime rate of pay, totalled from the following days and hours:

July 21, 1969 — 3½ hours

July 23, 1969 — 1 hour

July 24, 1969 — 2 hours

July 25, 1969 — 5 hours

**EMPLOYEES' STATEMENT OF FACTS:** Claimant C. V. Brown is a Leading Signalman on Signal Gang No. 15. On various dates in July, 1969 (specific dates and hours listed in our Statement of Claim), Carrier used Signalman K. E. Thomas, also an employe on Gang 15, for overtime work.

Brown is senior to Thomas in the seniority class that includes Signalmen and Leading Signalmen.

Under date of September 16, 1969, the Brotherhood's Local Chairman initiated a claim on behalf of Mr. Brown for 11½ hours' overtime pay on the basis Carrier violated the last portion of Rule 13 of the Signalmen's Agreement, which reads:

"Where gang men are required to work overtime, the senior man in a class in the gang shall be given preference to such overtime work."

latter denied the claim. Copy of the General Chairman's reply to that letter, dated January 20, 1970 (Carrier's Exhibit F), is also attached.

(Exhibits not reproduced.)

**OPINION OF BOARD:** The issue involved in this dispute is similar to the issue in Award No. 18866, and for the reasons set forth in said Award No. 18666, we must 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.

#### **AWARD**

Claim denied.

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

**ATTEST: E. A. Killeen**  
Executive Secretary

Dated at Chicago, Illinois, this 10th day of December 1971.