

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19343  
Docket Number SG-19252

Gene T. Ritter, 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 Transportation Company (Pacific Lines) that:

(a) The Southern Pacific Transportation Company (Pacific Lines) violated the Agreement between the Company and the Employees of the Signal Department, represented by the Brotherhood of Railroad Signalmen, effective April 1, 1947 (reprinted April 1, 1958, including revisions) and particularly Rule 16 which resulted in violation of Rule 70.

(b) Mr. D. H. Yancey be compensated for seven (7) hours at his respective overtime rate for October 28, 1969, account employees not covered by Rule 16 of current agreement called to perform emergency overtime work while Mr. Yancey, an employee assigned to regular maintenance duties, was not called. (Carrier's File: SIG 152-266)

OPINION OF BOARD: This Board has ruled that an available signal maintainer on the adjoining district should be called in preference to any individual who is not covered by Rule 16 of the parties' agreement. See Awards 17248 and 18138. We do not find these decisions to be palpably erroneous and therefore will sustain the instant 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

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That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of July 1972.