

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21422
Docket Number SG-21330

Nicholas H. Zumas, 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:

(a) The Western Pacific Railroad Company violated the Agreement between the Company and its Employees, represented by the Brotherhood of Railroad Signalmen, effective September 1, 1949 (Reprinted July 1, 1961) and including revisions, particularly Rule 26 and all rules dealing with Seniority and Seniority Rights.

(b) Mr. M. Mooney be allowed nine (9) hours compensation at his overtime rate for April 30, 1974, account Junior Employee called to perform overtime work. [Carrier's file: D - Case No. 9817-1974-BRS]

OPINION OF BOARD: The Organization's reliance on Rule 26, in this instance, is misplaced. The rule is limited to, and only pertains to, members of a "gang." Claimant herein was an assigned TCS Maintainer with maintenance responsibilities over a designated district. Neither he nor the other employees involved were members of a "gang" to whom Rule 26 applies. Accordingly, Rule 26 has no application to the facts of the instant claim. See Third Division Awards No. 18367 and 19920.

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: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 18th day of February 1977.