

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22217
Docket Number SG-22214

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: "Claims of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company:

Claim No. 1 - Carrier file: SIG 148-263

(a) That the Southern Pacific Transportation Company (Pacific Lines) violated the Agreement between the Carrier and its Employees in the Signal Department, represented by the Brotherhood of Railroad Signalmen, effective October 1, 1973, particularly Rules 9, 16, 34 and 35 which resulted in violation of Rule 72.

(b) That Mr. Lovotti be compensated for two and one-half (2 1/2) hours pay at overtime rate of \$10.43 per hour, account not being called when he was the Senior Employee available for duty.

Claim No. 2 - Carrier file: SIG 148-264

(a) That the Southern Pacific Transportation Company (Pacific Lines) violated the Agreement between the Carrier and its Employees in the Signal Department, represented by the Brotherhood of Railroad Signalmen, effective October 1, 1973, particularly Rules 9, 16, 34, 35, which resulted in violation of Rule 72.

(b) That Mr. J. T. Lovotti be compensated for four (4) hours at the overtime rate of his position, \$10.43 cents per hour, for the hours 10:30 PM April 15 to 2:30 AM April 16, 1976.

Claim No. 3 - Carrier file: SIG 148-265

(a) That the Southern Pacific Transportation Company (Pacific Lines) violated the Agreement between the Carrier and its Employees in the Signal Department, represented by the Brotherhood of Railroad Signalmen, effective October 1, 1973, particularly Rules 9, 16, 34 and 35 which resulted in violation of Rule 72.

"(b) That Mr. Lovotti be compensated for Nine (9) hours pay at overtime rate of \$10.43 per hour, account of not being called when he was the Senior Employe available for duty."

OPINION OF BOARD: The three claims involved in this dispute involve the assignment of overtime work on the basis of seniority among employes of the same signal gang. Signalman Lovotti is the grievant in each of the three claims. The claims arose because the Carrier allegedly called an employe for overtime work who is junior in seniority to the Grievant. The real issue involved is whether Carrier made the necessary effort to contact the Grievant.

In regard to claims numbered 1 and 3, it appears from the record that the Carrier did not make a sufficient effort to contact the Grievant. Except in instances of dire emergency, the Carrier is certainly required to make more than one attempt to contact the Grievant. X-

In regard to claim numbered 2, the record indicates that the junior employe was on duty. The Organization does not allege that he was improperly on duty. Therefore, it would not be necessary for the Carrier to call out the senior employe in circumstances where the junior employe was already on duty.

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 Employes involved in this dispute are respectively Carrier and Employes 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 violated.

Award Number 22217
Docket Number SG-22214

Page 3

A W A R D

Claim 1 sustained; Claim 2 denied; Claim 3 sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 15th day of November 1978.