

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30877
Docket No. SG-30584
95-3-92-3-355

The Third Division consisted of the regular members and in addition Referee Martin F. Scheinman when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the Union that:

Claim on behalf of L. A. Herek, J.J. Pollard, M. J. Hughes, G. A. Higbee, that the Carrier violated the current Signalmen's Agreement, as amended, Rule 20, Seniority Districts, when on December 3, 1990, a Wyoming Division Signal Gang was brought on the Nebraska Division to perform Signal work for a total of 290 hours at the straight time rate of pay and 110 hours at the overtime rate of pay."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

In this claim, the Organization is seeking payment when on December 3, 1990, a Wyoming Division Signal Group was brought on the Nebraska Division to perform signal work. It asserts that Rule 20 was violated by Carrier's action.

In essence, the claim seeks payment for time the gang was transferred within 60 days of the transfer. However, this claim must fail. After all, Rule 34 specifically permits temporary transfers from one seniority district to another. The Note to Rule 34 specifies the parties' agreed definition of temporary. It states:

"Temporary, for purposes of this rule, will be sixty (60) days and may be extended if agreed to in writing by the parties signatory to this agreement."

Thus, Rule 20 precludes a transfer that is longer than temporary. This is the clear import of the language the parties selected.

Since the claim is presented for the period that the transfer is permitted, it must fail.

AWARD

Claim denied.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 10th day of May 1995.