

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 41819
Docket No. SG-41915
14-3-NRAB-00003-120225

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

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

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad:

Claim on behalf of Signal Electronic Technicians working in the CDC in Omaha, NE, for compensation of \$.50 per hour for all straight time worked and \$.75 per hour for all overtime worked beginning on January 1, 2011, and continuing until the violation stops. Account Carrier violated Agreement Rule 1 and Appendix – EE dated December 1, 2010, when it failed to properly compensate the Claimants. Carrier should also be required to compensate each Claimant an additional \$.50 per hour starting on January 1, 2012, per the Agreement. These increases shall be rolled into the Claimants’ base rate and will be subject to all future wage increases. Carrier’s File No. 1548259. General Chairman’s File No. UPGC-1, Appendix EE dated 12-1-2010-051. BRS File Case No. 14615-UP.”

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 were given due notice of hearing thereon.

On December 15, 2010 the Carrier and the Organization entered into an Agreement to create the position of Electronic Technician/Inspector. The Agreement became part of the parties' Collective Bargaining Agreement as Appendix EE.

Appendix EE contains a provision for wage increases:

* * *

“2. Electronic Technician/Inspectors, Electronic Technicians, and Signal Inspectors as defined in Rule 1 will be given a general wage increase of fifty cents (\$.50) per hour on January 1, 2011 and a general wage increase of fifty cents (\$.50) per hour on January 1, 2012, subject to all future general wage increases. The rate increase referenced above will remain in effect until modified or changed in accordance with the provisions of the Railway Labor Act.”

The Claimants are CDC Electronic Technicians assigned to the Central Dispatch Center in Omaha. The Claimants assert entitlement to the wage increases provided by Appendix EE.

The Carrier contends that the Claimants are not entitled to those wage increases because CDC Electronic Technicians are not a classification covered by the wage increase provisions of Appendix EE.

Appendix EE specifically lists the groups of employees who were to receive the raises – “Electronic Technician/Inspectors, Electronic Technicians, and Signal Inspectors as defined in Rule 1” Rule 1 specifically lists classifications of employees, including Signal Inspector, CDC Electronic Technician, Electronic Technician and Electronic Technician/Inspector (amongst others). Although

defined in Rule 1, CDC Electronic Technicians were not included by the parties in Appendix EE for purposes of receiving the wage increases provided therein. As shown by the clear contract language of Appendix EE, by not including CDC Electronic Technicians in Appendix EE's wage increase provisions, the wage increases in Appendix EE cannot be applied to those employees.

The claim must therefore be denied.

AWARD

Claim denied.

ORDER

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 20th day of March 2014.