

Award No. 7080

Docket No. SG-6998

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Dudley E. Whiting, Referee**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA  
LOUISVILLE AND NASHVILLE RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee, Brotherhood of Railroad Signalmen of America on the Louisville and Nashville Railroad Company that:

(a) The Carrier improperly compensated Signal Maintainer O. N. Huddleston and Signal Helper C. L. Disney, with headquarters at Corbin, Ky., on April 10; July 5, 10, 11, 12, 16, 23, 24; August 3, 14, and 20, 1951.

(b) Signal Maintainer O. N. Huddleston be allowed the difference between his rate as Maintainer and that of Tester on the dates specified in part (a).

(c) Signal Helper C. L. Disney be allowed the difference between his rates as Helper and that of Signal Maintainer on the dates specified in part (a).

**EMPLOYEES' STATEMENT OF FACTS:** In the early part of 1951 the Carrier issued a bulletin on various divisions concerning this Carrier's delinquency in meeting the requirements of the Interstate Commerce Commission with respect to insulation resistance tests of automatic block signal systems as required by Section 136.108, Rules, Standards and Instructions of the Bureau of Safety, I.C.C. Section 136.108 is reproduced, attached, and identified as Brotherhood's Exhibit "J".

Also reproduced is a specimen copy of a Carrier's Bulletin, dated March 13, 1951, which is attached and identified as Brotherhood's Exhibit "A". This bulletin is addressed to all Signal Maintainers and is in the nature of instructions for them to arrange at once to megger cable and that each Maintainer will be held responsible for making these tests on their territory.

A "megger" is a specially designed instrument for measuring electrical resistance of wires and cables and is manufactured and marketed by James G. Biddle Co., of Philadelphia, Pa.

In conforming with the subject matter of the March 13, 1951, letter (Brotherhood's Exhibit "A") the claimants, Signal Maintainer Huddleston and Signal Helper Disney, on instructions from their superior officer, proceeded to make insulation tests on their territory.

All factual data submitted in support of the Carrier's position has been presented to duly authorized representatives of the Employees.

(Exhibits not reproduced.)

**OPINION OF BOARD:** On May 24, 1951, the Signal Supervisor at Knoxville issued written instructions to Claimant Huddleston and other Signal Maintainers on the K. and A. and C. V. Divisions to conduct certain insulation resistance tests required by the I.C.C. and to defer other duties as far as possible to expedite such tests because they were past due.

Such tests were previously made by a Signal Tester and Huddleston claims the rate applicable thereto for such work under Rule 25. Rule 2 describes a Signal Tester as follows:

"An employe who is assigned to and whose principal duties are inspecting and testing of signal appliances or apparatus as outlined in the Scope of this agreement."

We think that under the instructions given and the circumstances shown that Huddleston fulfilled that job description for the time required to make the particular tests involved. Thus his claim should be sustained.

With respect to the claim of the Helper, C. L. Disney, no instructions are shown which required him to perform other than helper's work and since helpers are regularly assigned to assist Signal Testers, there is no basis for that claim.

The Carrier contends that the claim should be denied because of the delay in processing it to this Board but, since the claim is for a closed period, it does not appear that the Carrier was prejudiced by such delay.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

The Agreement was violated.

#### AWARD

Claim (a) sustained as to O. N. Huddleston.

Claim (b) sustained.

Claim (c) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon  
Secretary

Dated at Chicago, Illinois, this 29th day of July, 1955.