

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20980  
Docket Number SG-20800

Joseph A. Sickles, Referee

**PARTIES TO DISPUTE:** {  
(Brotherhood of Railroad Signalmen  
(The Texas and Pacific Railway Company

**STATEMENT OF CLAIM:** Claim of the General Committee Of the Brotherhood of Railroad Signalmen on The Texas and Pacific Railway Company:

On behalf of Signalmen R. D. Sutton and G. R. Martin, Gang 1644, for an additional payment of six (6) hours each at time and one-half their straight time hourly rate of \$5.52 per hour, account required to suspend signal work on April 9, 1973, to perform work of another craft (Maintenance of Way employees), cutting brush on the right-of-way in violation of the Scope Rule and Rules 12 and 62 of the Signalmen's Agreement and our understanding on the subject - Mr. Wilson's letter of December 22, 1969. [General Chairman's file 141. Carder's file G-315-75]

**OPINION OF BOARD:** This dispute is similar to the one disposed of by our Award No. 20979 and the basic factors set out therein are equally applicable here.

We do note, however, a slightly different treatment of the December 22, 1969 letter while this matter was under review on the property. For instance, in the initial denial, the Superintendent stated that "changing poles" was synonymous with "stringing line wire." We concur with the employee's contention that such an interpretation is a torturing of language. In the final denial, the Director of Labor Relations stated:

"The authority to make and interpret agreements rests with the undersigned."

No purpose is served by a detailed recitation herein of the concepts expressed in our Award 20979. Suffice it to say that those concepts, which control this result, are incorporated herein, by reference.

We will sustain the claim for additional payment at the pro-rata rate.

**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;

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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 violated.

A W A R D

Claim sustained to the extent stated in the Opinion of Board, above.

RATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A.W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 27th day Of February 1976.