

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22950
Docket Number **SG-22860**

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Southern Railway Company

STATEMENT OF CLAIM: "Claim of the General **Committee** of the Brotherhood of Railroad Signalmen on the Southern Railway Company, et al.:

In behalf of Signal Maintainers assigned to **Brosman** Retarder Yard, Macon, Georgia, for all hours worked by **communication** employees working on the retarder system. Claim is to be retroactive **sixty** days from date of claim and is to continue until this work of maintaining the radar units is returned to signal employees. Claim is to be no less than eight (8) hours per week and is to be divided equally among Signal Maintainers J. F. Shankles, D. E. **Roquemore** and D. E. **Rumph**."

/General Chairman file: SR-13. Carrier file: **SG-3017**

OPINION OF BOARD: The **Employees** assert a Scope Clause violation because Carrier permitted **communication employees** to perform certain car retarder system work. The work related to radar units which detect freight car speeds.

The Carrier has resisted the claim on a number of grounds, and it points **out** that the Scope Rule in question does not specifically refer to radar devices. Thus, it asserts that Awards dealing with manually operated systems are not pertinent to this dispute. Moreover, it points out that the Employees sought, unsuccessfully, to gain coverage of this very type of work by means of a "Section **6**" **Railway** Labor Act notification.

The Carrier insists that a former Organization **General** Chairman concurred, in 1973, that the work in question was not **covered** by the Signalmen's Agreement **and** in reply to his letter, Carrier pointed out that adjustment and **maintenance** of the radar equipment required a second class radiomen's license.

We have considered the various assertions dealing with the former General Chairman's letter, as stressed by both parties. But, regardless of **inuendo** and implications, the document does seem to deny the basis for the instant claim. Based upon this record, we will deny the claim;

Award **Number** 22950
Docket **Number** SG-22860

Page 2

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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By **Order** of Third Division

ATTEST:



Executive Secretary

Dated at Chicago, Illinois, this 15th day of August 1980.