

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award **Number** 23067
Docket **Number** SG-22895

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.:

On behalf of Signal Maintainer H. G. Whiddon, **Hattiesburg**, Mississippi, for two (2) hours and forty (40) minutes overtime pay he was denied on November 10, 1977, when General Supervisor C&S R. T. Mitchell operated the control **machine** for the purpose of making signal test and to assist signal maintainers in locating signal trouble."

OPINION OF BOARD: The Organization asserts that a signal official operated a CTC control **machine** for the purpose of **making** signal tests and sending "**re-checks**" to assist signal maintainers in **locating** code line difficulty.

The Employes assert a violation of the Scope **Rule**, among others. The Organization does stress that the work in question was performed by a Supervisor "to assist signal **maintainers** in locating signal trouble" and, thus, whether or not Dispatchers and/or Operators work on CTC control machines in the operation of trains is not **material** to this dispute.

The Carrier denies a violation of the Scope Rule - or any other rule - **and** asserts that the function performed by the Supervisor in this case is **no** different from **normal** control machine functions performed daily by Dispatchers and Operators. In addition, the Carrier has cited Third Division Award 21187, which resolved a dispute between these parties and held that it is a **managerial** function to locate problems so that they could be repaired by proper **maintenance** personnel.

The American Train Dispatchers Association has participated in this dispute as a third party.

The Organization has the burden of establishing the basis for its claim. As we have reviewed this record, we are **unable** to find that the **Employes** have presented to us a consistent practice upon which we can base a conclusion that there has **been** a violation of the Agreement.

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 Employes involved in this dispute are respectively Carrier and Employes 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: _____

A.W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of November 1980.