

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23374
Docket Number SG-22832

Robert A. Franden, Referee

PARTIES TO DISPUTE: {
(Brotherhood of Railroad Signalmen
(Louisville and Nashville Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville and Nashville Railroad Company:

On behalf of Leading Signal Maintainer J. G. Daugherty, the senior available man in the Louisville Terminals on Sunday, July 17, 1977, for six hours' pay at time and one-half rate, account not called and a junior man was used for overtime service to repair damage caused by a derailment of Train #277 at Frankfort Avenue, East Louisville, Kentucky." (Carrier file: G-364-9 G-364)

OPINION OF BOARD: At issue in this case is whether under the existing agreements between the parties and the proper application of the seniority rules the Claimant should have been called to perform overtime work at a derailment site on July 17, 1977.

In addition to the basic agreement between the parties, there is on this property an agreement dated April 29, 1977, that provides for the distribution of overtime which agreement states that "...the employee assigned to the relief shift position, which is presently defined as Gang No. 19, will only have rights for overtime in Strawberry Yard..." It further provides that "the leading signal maintainer assigned to the CTC machine will be called for trouble on the machine or associated equipment..."

We believe that the Organization has substantiated its position that the work involved was on a mechanism which was peripheral to the CTC machine and would hence be considered associated equipment. Accordingly, it was appropriate that the Claimant be called. We will sustain the claim.

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;

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;

Award Number 23374
Docket Number SG-22832

Page 2

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.

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

ATTEST: 
Executive Secretary

Dated at Chicago, Illinois, this 15th day of September 1981.