

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24426  
Docket Number so-24296

Joseph A. Sickles, Referee

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

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

(General Chairman file: SR-190 Carrier file: SC-468

(a) Carrier violated the Signalmen's Agreement, particularly Scope Rule 1 among others, when C&S Supervisor H. H. Stanley worked the first shift at Sheffield Retarder Yard on July 4, 1980 assisting Signal Maintainer J. W. Hamilton in the painting, rearranging and moving signal material in and around signal shop at Sheffield Retarder Yard, etc." (Sig. file 3460)

(b) Carrier should now be required to compensate Signalman J. R. Scott an amount equal to eight (8) hours at the time and one half rate of pay for this less of work opportunity on July 4, 1980 and because the Agreement was violated."

OPINION OF BOARD: The Employee asserts that individuals covered by the Agreement had been "cleaning up" the shop area for an inspection but for some reason a Supervisor started performing some of the work in question.

In its initial response the Carrier concedes that the Supervisor did clean the paint sprayer which Signal Maintainers had used on the previous day and which they had not cleaned at the conclusion of their task. The Carrier also concedes that the Supervisor may have moved certain equipment so as to try a new grease cleaner on a spot on the concrete floor with a new type of solvent.

The Organization has relied upon Awards 23959 and 24296. The Board is of the opinion that the Organization has presented the basis for a sustaining Award inasmuch as certain work was performed which we feel, under all circumstances of record, should have properly been performed by classified employees.

We confess that there is some question as to the amount of time involved in the performance of the work, and there is the possibility of a de minimis situation. However, there was not sufficient evidence submitted while the matter was under review on the property for us to make a determination in that regard, and accordingly we will sustain the claim as submitted.

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 **violated**.

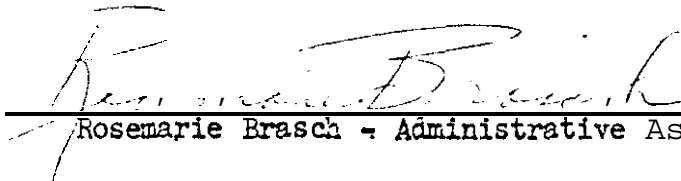
A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

BY

  
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Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of June 1983.