

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25356
Docket Number SG-25281

Robert W. McAllister, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Seaboard System Railroad

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the former Seaboard Coast Line Railroad that:

(a) Carrier violated the Signalmen's Agreement, as amended, particularly the Scope Rule, Rules 16 and 17, when it required or permitted Roadmaster to inspect and test recognized signal equipment at MP-S-152.2 on May 5, 1982.

(b) Carrier should now be required to compensate Signal Maintainer J. E. Williams **two** hours and forty minutes at his respective time and one half rate of pay.

[General Chairman file: Claim 9-(Scope Rule 16, 17) J. E. Williams Carrier file: 15-16 (82-1039) K3]

OPINION OF BOARD: On May 5, 1982, during off-duty hours of the present Claimant, the crew of one of Carrier's trains reported to the on-duty Dispatcher that it had been unable to line or lock the track switch at Mile Post S-152.2 in its normal position. The Dispatcher requested of the Roadmaster that he inspect the switch for a possible track problem. This the Roadmaster did and then reported to the Dispatcher that there was no problem with the track.

The Organization contends that this inspection by the Roadmaster constituted a violation of the Scope Rule of the parties' Agreement which embraces the inspecting and testing of signals and other specified apparatus. The Carrier's response is that work related to track switches insofar as the track structure is concerned is the province of its Track Department and that **work** which relates to the signal system is the work of Signalmen. It further states that the Roadmaster made no signal inspection and performed no other signal work.

The Carrier's defense, absent competent proof of contrary facts, is persuasive. A careful review of the present record reveals no such proof. Therefore, this claim must be denied.

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;

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 Second Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1985.