

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(American Train Dispatchers Association
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard System Railroad)

STATEMENT OF CLAIM: "It is noted on page 34 of the Florence Division Timetable #1 which takes effect 1:01A.M. Sunday, October 30, 1983, the method of train dispatching on the Hartsville and Social Circle Subdivisions is being changed from Timetable and Train Order to Absolute Block, but not under the control of the Central District and Georgia District Dispatchers at Florence as before.

This organization considers this to be a transfer of work in as much as the instructions contained in the New Timetable places the responsibility upon the Conductor of the train entering this Absolute Block....

This violates ART #1 (b) 2. Trick, Relief, Extra Train Dispatchers of current effective agreement between the parties...

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Commencing at 1:01A.M. Sunday, October 30, 1983, and each eight hour period thereafter, for so long as this practice is allowed to continue. Claim is hereby made for one day's pay for each Dispatching District, at the rate applicable to the senior available qualified Train Dispatcher, for each eight hour period. Proper claimant of entitlement to be determined by a joint check of carrier's records."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Effective October 30, 1983, the method of train dispatching on the Hartsville and Social Circle Subdivisions was changed from timetable and train order to absolute block register book operations. By use of a register

book located at the entrance to the trackage, crews are permitted to proceed on their own authority and responsibility. The Organization contends that this change is a "transfer of work" in violation of a portion of the Scope Rule, Article 1, which reads in part as follows:

"(b) Definitions

1. . . .
2. Trick Train Dispatchers
Relief Train Dispatchers
Extra Train Dispatchers

These classes shall include positions in which it is the duty of incumbents to be primarily responsible for the movement of trains by train orders, or otherwise; to supervise forces employed in handling train orders; to keep necessary records incident thereto; and to perform related work."

The Organization points to the provision that Dispatchers are "primarily responsible for the movement of trains by train orders, or otherwise" (emphasis added).

The Carrier argues that there has been no transfer of work, but rather only a change in operational method. Although conductors are permitted to proceed after noting and signing the register book, train movements remain under the direction of a Dispatcher, in that, as provided in the revised instruction, "trains and engines must obtain clearance card [from the Dispatcher] before departing" the two points in question. Further, other special situations -- such as slow orders and speed restrictions -- are still governed by a Dispatcher.

As pointed out in correspondence during the claim handling procedure, the revised operational method is not unique. The Carrier states:

"In the past we have had many places where the Train Dispatcher does not have direct control over certain lines and, in fact, we still have places where our trains operate on certain lines without authority of the Train Dispatcher. To name a few of these lines, past and present: Croghan Branch, Canadys Spur, Lobeco Spur, Sandoz Spur, Russellville Spur, and Fiber Industries. The Train Dispatcher retains overall control of these movements and makes necessary records as is being done at the present time on the Hartsville and Social Circle Subdivision."

As a result of the revised method of operation, no change was made in the territories assigned to Dispatchers, nor is there any demonstrated effect

on the number of Dispatchers or extent of work assigned to them. Nor, as in some instances cited by the Organization, has dispatching work been assigned to any other nonoperating personnel.

It is the Board's view that Dispatchers remain "primarily responsible" in the disputed trackage even though use of "running" train orders have been eliminated in favor of another method employed in other similar situations. It could well be argued that certain work was eliminated, rather than transferred as maintained by the Organization.

Given these circumstances, it is not necessary for the Board to determine in this instance whether the cited Scope Rule is specific, as argued by the Organization, or general, as argued by the Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of September 1988.