

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

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Norfolk Southern Corporation
(Central of Georgia Railroad Company)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Central of Georgia Railroad (C of Ga):

On behalf of R. Hodges and R. E. Page, Central of Georgia Signal employees, for the following:

(a) Carrier violated the Scope of the Signalmen's Agreement with the Central of Georgia Railroad on September 8, 1987, when Supervisor Newhouse instructed Southern Railway Floating Signalmen headquartered in Macon, Georgia to go to Americus, Georgia and load and haul two glued insulated joints stored at Americus and needed at M.P. J-296.2, near Albany, Georgia, because of bad insulated joints at hsi (sic) location that was causing problems in the signal system.

(b) Carrier now be required to compensate Signal Maintainer R. Hodges, headquarters Ft. Valley, Ga for two hours at his overtime rate, and R. E. Page, headquarters Buena Vista, Ga, for two hours at his overtime rate of pay, for work they were denied on September 8, 1987, from 10 AM to 12 Noon when Carrier used Southern Railway signal employees to perform work on Central of Georgia Railroad that has been assigned and performed by signal employees on the Central of Georgia Railroad. G.C. file CG-133. Carrier file SG-702."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

The facts involved in this matter are not in dispute. The Carrier directed two Southern Railway Company Signal employees to load, haul and unload insulated joints from Americus to a signal location at Mile Post J-296.2. Americus and the signal location are on Central of Georgia Railroad property. Central of Georgia was acquired by Southern, although each Carrier maintains its identity and collective bargaining agreements.

Contrary to the Organization's view, numerous previous Awards have determined that this task of transporting signal material is not reserved by the applicable Scope Rule. Third Division Award 13708, involving the same parties, stated as follows:

"We find that the transporting of signal material to the job site, as described herein, is not work exclusively belonging to Signalmen. The Scope Rule of the Signal Agreement does not specifically mention the transporting of signal materials to job sites, as that work reserved to the Signalmen. It is apparent from the record, materials have been picked up and delivered to job sites by other Crafts or Classes. Transporting or delivery is not 'any other work generally recognized as signal work,' or has the Organization shown that Signalmen have performed such work to the exclusion of others."

More recently, Third Division Award 21625 concluded:

"On the day in question, Carrier utilized the services of an individual not covered by this Organization's agreement to transport certain signal mechanism.

We have considered the facts of record and the contentions of the parties; and we have reviewed Third Division Awards 10613 and (particularly) 12188, which resolved disputes between these parties. It is our conclusion that the Awards cited above are precedent to this case and, accordingly, we will deny the claim."

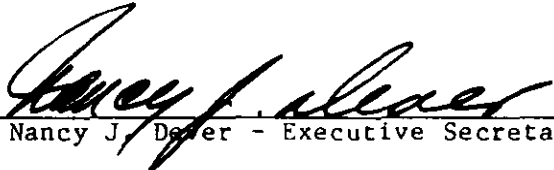
In this instance, the Carrier utilized Signalmen, although from another seniority district. This, however, does not make the conclusion established in precedent Awards less applicable.

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 27th day of April 1990.