

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 29520  
Docket No. SG-29551  
93-3-90-3-499

The Third Division consisted of the regular members and in addition, Referee John B. LaRocco when award was rendered.

(Brotherhood of Railroad  
Signalmen  
PARTIES TO DISPUTE: (  
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (CONRAIL):

"Claim on behalf of D. B. Thwaites, for payment of 3 hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly APPENDIX "P", when it did not call him for overtime service on March 2, 1989." Carrier file SG-112. BRS File Case No. 8040-CR."

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.

Sometime during the afternoon of March 2, 1989, a Backhoe Operator, who was working with a Fiber Optic Cable (FOC) signal construction gang, accidentally severed two cables along the Pensgrove secondary track causing damage to Signal No. 96 near Woodbury, New Jersey. Members of the FOC gang repaired the cables and restored service to Signal No. 96. Carrier records indicate that a signal inspector and a signal maintainer associated with the gang placed Signal No. 96 back into operation.

The cable and signal repairs were completed by 7:30 P.M. on March 2, 1989.

The Organization alleges that the Carrier should have called Claimant, the Maintainer who was headquartered at Woodbury and responsible for maintaining Signal No. 96, to repair the signal. (Claimant's regular shift had ended at 3:00 P.M.)

In this case, the Organization failed to come forward with sufficient evidence proving that the trouble with Signal No. 96 was separate from the work being performed by the FOC construction gang. The work of repairing Signal No. 96 belonged to the regularly assigned Maintainer if the problem with the signal was unconnected with the work and project being performed by the signal gang. If the signal problem was related to the installation or repairs to the cable, then FOC construction gang members may properly repair the signal and place it into service because such work is integral to their duty to install and repair cable. Absent proof that the signal problem was separate and distinct from the cable repairs, the Carrier was not under any obligation to call Claimant for overtime service pursuant to Appendix P.

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 3rd day of February 1993.