

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 30043
Docket No. SG-29984
94-3-91-3-374

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
(
(CSX Transportation, Inc. (former Louisville
(and Nashville Railroad Company)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSXT, Inc. (L&N):

Claim on behalf of M.Y. Adams, for 12 hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rules 32, 35 and 41, when it used a signal employee from another Seniority District to perform work on Seniority District No. 3, on May 9th and 10th, 1990." Carrier File 15 (90-59). BRS Case No. 8350-CSXT.L&N.

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 employee 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.

Under the Agreement, there are separate seniority districts, and Signalmen hold seniority in only one district. The Claimant is a Signalman assigned to District No. 3. The Claim contends that a District No. 9 Signalman "assisted" the Claimant and other District No. 3 Signalmen on May 9 and 10, 1990, in performing District No. 3 work.

However, the Carrier denies that the District No. 9 Signalman was "assisting." Rather, the Carrier states that the District No. 9 Signalman "instructed District 3 employees on proper switch installation and adjustment procedures (as outlined in CSX training

Form 1
Page 2

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instructions) which training he had recently received in an advanced training class at Huntington, WV." The record contains no contradiction to this assertion.

In this state of the record, there can be no finding that there was any infringement on District No. 3 work. In addition, the Claimant was engaged in the same assignment on which the Claim is based and thus was not an appropriate Claimant. While the Board recognizes the relevance of assignment of work by seniority district, the particular circumstances herein do not constitute a violation of such restrictions.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 17th day of February 1994.