Award No. 8085
Docket No. SG-8332

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Marion Beatty, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Southern Railway Company et al.:

(a) That the Carrier violated the current agreement on December 11, 1954, when it permitted workers not covered by the agreement to perform Scope work in making repairs to signal facilities located west of State Street (Tennessee-Virginia State Line), Bristol.

(b) That Signal Maintainer C. E. Sanders and Assistant Signal Maintainer W. A. Ray be each paid three hours at their respective overtime rates. [Carrier's file SG-8430.]

EMPLOYES' STATEMENT OF FACTS: On Saturday, December 11, 1954, Southern Railway Company track forces were called to change out a broken BO switch point in the main line to the Tennessee crossover switch west of State Street, Bristol, Tennessee.

The switch that was changed out by the track forces was in signaling territory and required the services of the claimants, and instead of calling the claimants, the Carrier called an employe who holds no seniority or rights under this Carrier's signal employes working agreement to perform the required service.

The claimants are assigned to the Johnson City, Tennessee, maintenance territory which embraces the territory where the instant work was performed; therefore, they were entitled to all the signal work accruing on their assigned territory.

The territorial limits of the claimants' positions have not been changed by bulletin or letter, therefore it must be considered that their assigned territory has not been changed and that the signal work performed by workers not covered by and who held no seniority or rights under this Carrier's Signalmen's Agreement rightfully belonged to the claimants and they should have been called to perform any and all signal work on their assigned territory.

Heretofore, the claimants had performed all the signal work west of the State Street crossing, Bristol, Tennessee, which included all of State Street.

OPINION OF BOARD: This is a companion case to Docket SG-8331 in which we rendered Award No. 8084.

It involves the same Carrier and Organization and approximately the same set of facts. That case involved the question of who was entitled to the work in the construction of an interlocking plant at Bristol, Virginia-Tennessee, situated on the property of two railroads. This case involves the question of who is entitled to maintain a part of it situated on the property of this Carrier.

In Award No. 8084, we pointed out the history of the joint use and operations of those facilities by the Norfolk and Western Railway Company. The same Agreement is involved. The principles are the same.

For reasons the same as or similar to those stated therein, we hold there has been no violation of the Agreement in this case.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively carrier and employes 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 there was no violation of the Agreement.

AWARD

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September, 1957.