

Award No. 14264

Docket No. SG-12289

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

ALTON AND SOUTHERN RAILROAD

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Alton and Southern Railroad that:

(a) The Carrier violated the current Signalmen's Agreement, as amended, particularly the Scope, when it required a Maintenance of Way employee who holds no seniority or other rights under the Signalmen's Agreement to perform generally recognized signal work of oiling switch plates on power-operated switch on October 9, 12, 16, 19, 23, 26, 30, November 2, 6, 9, 13 and 16, 1959.

(b) The Carrier should now be required to compensate Leland C. Goldschmidt for two hours and forty minutes at the Assistant Signalman rate of pay (\$2.44 per hour during October, \$2.47 per hour after November 1) for each day listed in paragraph (a) above.

EMPLOYEES' STATEMENT OF FACTS: The claimant in this dispute, Mr. Leland C. Goldschmidt, is an Assistant Signalman working with and under a Signal Maintainer patrolling and maintaining telephone, electrical, and signal apparatus and their appurtenances on the Alton and Southern Railroad. His assigned working hours are from 8:00 A.M. until 4:30 P.M., assigned rest days Saturdays and Sundays.

Sometime during April, 1959, the Carrier supplied a new oil can and a brush, and made arrangements for oil to be delivered to a Maintenance of Way track walker with instructions to oil certain equipment that had been installed, adjusted, repaired, maintained, and oiled by signal employees.

On certain days from April to November, 1959, the track walker oiled pipe-connected derails, and claims were filed on behalf of the same claimant who is involved in the instant dispute. Those claims were progressed to this Board under our files NRAB-958 (Docket No. SG-12048), NRAB-993, and NRAB-994.

Parker, former Signal and Communications Engineer, on your claims for extra payment of two hours and forty minutes on each of the following dates:

October 9, 1959	October 30, 1959
October 12, 1959	November 2, 1959
October 16, 1959	November 6, 1959
October 19, 1959	November 9, 1959
October 23, 1959	November 13, 1959
October 26, 1959	November 16, 1959

These claims all relate to the oiling of switch plates on the power operated switch located north of Missouri Avenue.

The company does not agree with you that we were in violation of your agreement by having the switch plates in question oiled by a Maintenance of Way Department employee. Consequently, the claims listed above are all declined.

Yours very truly,

/s/ Wayne Harris
Ass't General Manager

WH:lm

cc: Mr. C. J. Warfield, General Chairman
Brotherhood of Railroad Signalmen
Box 239
Marine, Illinois

cc: Mr. C. Suyo"

On February 15, 1960, Local Chairman Goldschmidt wrote Assistant General Manager Harris as follows:

"Dear Mr. Harris:

Reference is made to your letters of January 13 and January 28, 1960, respectively, declining my time claims from August 10, 1959 through November 16, 1959, concerning the oiling of a remote controlled power operated switch located north of Missouri Avenue by Maintenance of Way forces.

Your decision in this matter is not acceptable; therefore, all correspondence with regard to these claims has been forwarded to Mr. Jesse Clark, President, Brotherhood of Railroad Signalmen for an Adjustment Board presentation."
(Exhibits not reproduced.)

OPINION OF BOARD: The facts, the issue and the parties in this dispute are identical with those involved in Award 12830 of this Board. For the reasons therein cited, we will follow that award and deny this claim.

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

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of March 1966.