

Award Number 17359

Docket Number SG-17651

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David H. Brown, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN
WESTERN MARYLAND RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Western Maryland Railway Company that:

- (a) Carrier violated the Agreement between the Carrier and the Signal and Communication Department Employees, when Mr. W. E. Bowser, Maintainer, Frostburg Section and Mr. R. J. Swach, Assistant, were sent home and track forces were allowed to break bonds and install rail in the process of reconstruction of track account of a derailment west of "GC" Jct., November 19, 1966.
- (b) Signal Communication Maintainer W. E. Bowser and Assistant R. J. Swach, now be allowed 12 1/2 hours each at the overtime rate, the amount of time worked by track forces after Messrs. Bowser and Swach, were sent home.

(Carrier's File: B.R.S.A. Case No. ..4-1966)

EMPLOYEES' STATEMENT OF FACTS: At 9:25 P.M. on November 26, 1966 there was a derailment near G. C. Junction. Part of the Carrier's signal and communication pole line was destroyed and a number of track rails damaged so that they had to be removed and replaced.

At 11:30 A.M., November 20, the Claimants, on who's territory the wreck occurred and who had been working at the scene restoring Carrier's communication lines and removing signal bonds from the damaged rails, were sent home even though the necessary signal work had not been completed. Track forces continued replacing damaged rails and therefore, because of the absence of claimants, broke signal bonds.

Because signal bonding is reserved to Carrier's Signal and Communications Department employees by the Scope Rule of their Agreement, the Brotherhood's Local Chairman filed a claim with the Carrier's Supervisor Signals and Communications requesting that the Claimants be paid for 12 1/2 hours at their overtime rate.

On the property the Brotherhood handled the claim in the usual and proper manner, up to the highest officer of the Carrier designated to handle such disputes without receiving a satisfactory settlement.

Pertinent correspondence exchanged on the property has been reproduced and is attached hereto, identified as Brotherhood's Exhibits Nos. 1 through 9.

There is an agreement between the parties to this dispute, bearing an effective date of December 16, 1956, as amended, which is by reference made a part of the record in this dispute.

CARRIER'S STATEMENT OF FACTS: On November 19, 1966, at about 9:25 P.M., there was a derailment of 12 cars in a freight train in the vicinity of G. C. Junction, on the carrier's Connellsville Subdivision. The derailment occurred on single track in centralized traffic control territory. Most of the cars in the derailment upset over an embankment; the communications pole line was destroyed for a short distance, and 14 rails were completely torn out of the main track and buried under the derailed cars. The signal system was inoperative due to the rails being torn from the tracks and line wires being torn down.

OPINION OF BOARD: The facts herein are essentially similar to those in our Award 12329 (Dolnick). When the derailment occurred, Carrier summoned the proper signal personnel and kept them in service until they had taken the signal circuits out of service. The work that followed was a salvage operation unrelated to signal installation or maintenance.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1969.