

Award Number 17509
Docket Number SG-18144
NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN
THE TEXAS AND PACIFIC RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Texas and Pacific Railway Company:

On behalf of Signal Maintainer H. A. Nash, headquartered at Sweetwater, Texas, for four (4) hours' pay at time and one-half his straight-time rate of \$3.13 per hour account from 8:30 P.M. June 21 to 12:30 A.M. June 22, 1967, he was called for signal trouble and required to cut trees growing up through open signal line wires causing a wrap and short in signal control wires.

(Carrier's File: B-315-9)

EMPLOYEES' STATEMENT OF FACTS: H. A. Nash, Claimant in the instant dispute is a monthly rated signal maintainer with headquarters at Sweetwater, Texas.

On June 21, 1967, at 8:30 P.M. Signal Maintainer Nash was called to his assigned territory to clear signal trouble. He was relieved at 12:30 P.M.

It was determined that trees growing up through the signal wires caused the signals to operate improperly.

Claimant repaired the signal trouble by cutting trees from the signal wires.

Claimant requested the time at overtime rate, which was refused by the Carrier.

During handling of the dispute on the property, the General Chairman stated and it was not disputed by the Carrier that, "The cutting of trees and brush on the right-of-way of this railway has historically and traditionally been performed by employees represented by the Maintenance of Way Organization * * *." (Brotherhood's Exhibit No. 2.)

The applicable rules of the Signalmen's Agreement are as follows:

"SCOPE—This agreement governs the rates of pay, hours of service and working conditions of all employees in the Signal Department, except supervisory forces above the rank of Signal Inspector, clerical

In view of the foregoing, we find no justification for changing the decision given to you in these cases in our letters dated January 9, 1968, which are hereby affirmed.

Yours truly,

/s/ O. B. Sayers"

OPINION OF BOARD: The facts and contentions of the parties herein are essentially the same as in Award 17508. For the reasons stated in that Award, the claim herein will be denied.

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 30th day of September 1969.