

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21013
Docket Number SG-20743

Irwin M. Lieberman, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(George P. Baker, Robert W. Blanchette, and Richard
(C. Bond, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Penn Central Transportation Company (former New York Central Railroad Company-Lines West of Buffalo):

On behalf of Signal Maintainer V. E. Knop for 3.3 hours pay at the overtime rate because on December 22, 1972, a Signal Inspector replaced burned out flasher bulbs at Broadway Street, Urbana, Illinois. /Case No. B.R.S. - W25/

OPINION OF BOARD: On December 22, 1972, a Signal Inspector, while making a routine inspection, noted that bulbs were out in the Flasher Signal Unit at a street crossing at Urbana, Illinois. He replaced two bulbs in the unit, thus triggering this dispute. Claimant was assigned as a Signal Maintainer in a section which included Urbana.

We have previously considered disputes involving the Scope Rule of this Agreement (Awards 17706, 20242 and 20248) and have held that it is general in nature and does not per se exclusively reserve the work described to employees covered by the Agreement. It is noted that Carrier also has an Agreement with this Organization covering the Signal Inspectors. The Carrier states that by custom and practice Signal Inspectors commonly perform such work as changing bulbs as incidental to their primary responsibility of testing and inspecting. In this instance, Carrier claims that the Inspector used good judgment in correcting a condition which represented a potential hazard to the public.

Petitioner has made no showing, in the course of this dispute, that the work in question has been performed by craft employees to the exclusion of inspectors. For the reasons expressed fully in Awards 17706 and 20242 and since the burden of proof has not been met, the Claim must 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;

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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: A.W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1976.