

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21650
Docket Number SG-21589

William G. Caples, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Railway Company

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

On behalf of Mr. W. A. McBrayer, Assistant Signal Maintainer, Southern Railway, headquarters Norris Yard, for two hours and forty minutes at the signalman rate of pay account C&S Supervisor R. W. Linn repaired signal trouble at Norris Yard January 15, 1975, when 25/33 presence detector failed, and for two hours and forty minutes at the Assistant rate of pay account C&S Supervisor R. W. Linn assisted relief shift Signal Maintainer Thomas in changing out a retarder mechanism motor January 18, 1975. (Carrier file: SG-95)

OPINION OF BOARD: When trouble occurred on January 16, 1975, no maintainer was on duty at the yard and the Supervisor called the Senior Maintainer in accordance with the provisions of Subject to Call Rule 37(b). The Supervisor responded to the emergency call himself when Maintainer Nordan could not be reached. When he arrived the trouble in a track switch had been cleared. Later that morning, the Supervisor notified the next senior Maintainer he was entitled to turn in a call but he refused to do so as the trouble had cleared and no signal work was performed or required.

On January 18, 1975 a Regular Relief Maintainer was on duty on the second shift when the Supervisor went to Norris Yard. While at the Yard the Supervisor found the Maintainer was having trouble with the motor in "C" group retarder. Knowing that the regular second shift Maintainer had been having trouble with the same motor, the Supervisor instructed the Regular Relief Maintainer to install a new motor. These motors had been changed in the past by regular Maintainers who had installed them without any assistance. The Supervisor did help the Maintainer lift the motor but the motor was light enough that no assistance was actually necessary.

The record shows no signal work was performed on either date requiring a maintainer or an assistant maintainer under the governing call rule nor was the Claimant deprived of any work or compensation.

Carrier's failure to use Claimant under these circumstances did not violate the Agreement and the proffered settlement on the property was reasonable.

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

The Agreement was not violated.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 18th day of August 1977.

