

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22446
Docket Number SG-22367

Joseph A. Sickles, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railroad Signalmen
(
(Atlanta and West Point Railroad Company-
(The Western Railway of Alabama
(Georgia Railroad

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Georgia Railroad, The Western Railway of Alabama, Atlanta and West Point Railroad Company:

On behalf of Signal Maintainer C. M. Rodgers for two hours and forty minutes overtime pay on September 6, 1976, account Section Foreman W. D. McRay was called to clear crossing signal trouble at Woodville, Georgia."

OPINION OF BOARD: On September 5, 1976, a message was forwarded to the Signal Maintainer regarding "Bells Ringing and Lights Flashing...People demand it be repaired immediately..." However, Claimant asserts that Carrier used a Track Foreman to perform the necessary repair work on the highway crossing signal device in question on September 6.

The Organization notes that maintaining and repairing highway crossing protection devices is contemplated by the Scope Rule and "...has long been recognized signal work..."

The record supports the conclusion that the Claimant was called on the evening of September 5, 1976, and his wife took a message for him sometime after 9:00 p.m. At 10:45 p.m., he attempted to return the call, but no one answered his phone call. According to Carrier, the Track Foreman discovered, on September 6, that the ringing had been stopped by local residents - who stuffed paper behind the bell clapper - and on September 7, it was repaired by another Signal Maintainer.

We are of the view that the Claimant has presented sufficient evidence to warrant a sustaining Award. Apparently, no further action was taken after a phone message was given to Claimant's wife on September 5. Even if it can be said that the Employee was not available on September 5, that does not compel a conclusion that he wasn't available on the next day. Carrier should have, at least, attempted to contact him on the 6th. Thus, we will sustain the 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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 29th day of June 1979.