

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22950
Docket Number SG-22860

Joseph A. Sickles, 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.:

In behalf of Signal Maintainers assigned to Brosman Retarder Yard, Macon, Georgia, for all hours worked by communication employees working on the retarder system. Claim is to be retroactive sixty days from date of claim and is to continue until this work of maintaining the radar units is returned to signal employees. Claim is to be no less than eight (8) hours per week and is to be divided equally among Signal Maintainers J. F. Shankles, D. E. Roquemore and D. E. Rumph."

/General Chairman file: SR-13. Carrier file: SG-3017

OPINION OF BOARD: The Employes assert a Scope Clause violation because Carrier permitted communication employees to perform certain car retarder system work. The work related to radar units which detect freight car speeds.

The Carrier has resisted the claim on a number of grounds, and it points out that the Scope Rule in question does not specifically refer to radar devices. Thus, it asserts that Awards dealing with manually operated systems are not pertinent to this dispute. Moreover, it points out that the Employes sought, unsuccessfully, to gain coverage of this very type of work by means of a "Section 6" Railway Labor Act notification.

The Carrier insists that a former Organization General Chairman concurred, in 1973, that the work in question was not covered by the Signalmen's Agreement and in reply to his letter, Carrier pointed out that adjustment and maintenance of the radar equipment required a second class radioman's license.

We have considered the various assertions dealing with the former General Chairman's letter, as stressed by both parties. But, regardless of innuendo and implications, the document does seem to deny the basis for the instant claim. Based upon this record, we will deny the claim.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 15th day of August 1980.