

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23067
Docket Number SG-22895

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.:

On behalf of Signal Maintainer H. G. Whiddon, Hattiesburg, Mississippi, for two (2) hours and forty (40) minutes overtime pay he was denied on November 10, 1977, when General Supervisor C&S R. T. Mitchell operated the control machine for the purpose of making signal test and to assist signal maintainers in locating signal trouble."

OPINION OF BOARD: The Organization asserts that a signal official operated a CTC control machine for the purpose of making signal tests and sending "re-checks" to assist signal maintainers in locating code line difficulty.

The Employees assert a violation of the Scope Rule, among others. The Organization does stress that the work in question was performed by a Supervisor "to assist signal maintainers in locating signal trouble" and, thus, whether or not Dispatchers and/or Operators work on CTC control machines in the operation of trains is not material to this dispute.

The Carrier denies a violation of the Scope Rule - or any other rule - and asserts that the function performed by the Supervisor in this case is no different from normal control machine functions performed daily by Dispatchers and Operators. In addition, the Carrier has cited Third Division Award 21187, which resolved a dispute between these parties and held that it is a managerial function to locate problems so that they could be repaired by proper maintenance personnel.

The American Train Dispatchers Association has participated in this dispute as a third party.

The Organization has the burden of establishing the basis for its claim. As we have reviewed this record, we are unable to find that the Employees have presented to us a consistent practice upon which we can base a conclusion that there has been a violation of the Agreement.

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 14th day of November 1980.