

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23069
Docket Number SG-23025

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Central of Georgia Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Central of Georgia Railroad Company:

On behalf of Signal Maintainer N. L. Johnson for the difference in pay between what he is paid and what he should have been paid as a Signal Maintainer-majority CTC, beginning June 5, 1978, and continuing until the dispute is settled."

OPINION OF BOARD: Claimant seeks an hourly differential asserting that a territorial change resulted in such entitlement under an agreement which provides for "eleven cents per straight hour (and seventeen cents for each overtime hour) for Signal Maintainer - Majority C.T.C.".

While Carrier concedes that Claimant's territory includes 3.3 miles of CTC signal track, it denies that the remainder of the territory should be considered as 2.8 miles. Rather, Carrier asserts that because the remainder is "double track", the non-CTC territory is really 5.6 miles and, thus, the CTC territory is only 37% of the territory.

Claimant disagrees and asserts that Carrier's bulletins themselves deny the validity of Carrier's argument.

Certainly, we would agree that Carrier is free to attempt to show, as a matter of fact, that a parallel double track should be computed as urged by Carrier, but here no such showing was attempted. As we have considered the factual matters raised and urged while the matter was under consideration on the property, we find no showing as to why the mere fact of double trackage should defeat this 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 violated.

A W A R D

Claim sustained.

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.

