

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24376
Docket Number SG-24295

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.:

(a) Carrier has and is continuing to violate the Scope Rule of the Signalmen's Agreement, when they permit employees not covered by the Signalmen's Agreement to inspect, test and maintain two crossing signals at Luella, Georgia at Mile Post 7.0 and Mile Post 6.1, that is part of the Southern Railway Company.

(b) Carrier now be required to compensate Signal Maintainer L. G. Ellis, or his successor, an amount equal to sixteen (16) hours overtime each month, for work he is denied account of not being allowed to maintain two crossing signals at Luella, Georgia and because the crossing signals are being maintained by someone not covered by the Signalmen's Agreement.

(c) Claim is to be retroactive 60 days from this date *and is to continue for as long as this Agreement violation continues."

(General Chairman file: SR-174. Carrier file: SG-463)

*July 25, 1980.

OPINION OF BOARD: This dispute arose concerning an assertion that the Carrier assigned and/or permitted officials who are not classified in or covered by the Organization's Agreement to do certain work of inspection, testing, and maintaining of highway-railroad grade crossing signals.

The Carrier has demonstrated in the record that the I.C.C. granted the Carrier's request for discontinuances of operation over the segment of the line in question and that the crossing signals are on a section of trackage which is not covered by any Agreement; and certainly not by the Southern Railway Company.

Our review of the record demonstrates that the Agreement before us does not cover the Employees in question and accordingly we will dismiss the case for failure to state a 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 claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May 1983.

