

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(National Railroad Passenger Corporation (AMTRAK)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Rail Passenger Corporation (AMTRAK):

On behalf of A. J. Rush, J. C. Digiacomo, and T. A. Edwards. Mr. Rush, Mr. Digiacomo, and Mr. Edwards are Assistant Foremen assigned to the C&S Trouble Desk in Baltimore, MD.

(a) Claim that the Carrier violated Rule one of the Agreement between the Carrier and the Brotherhood of Railroad Signalmen, effective February 1, 1987. The agreement was violated by the Carrier when block operators (BRAC) and train dispatchers (A.T.D.A.) were used in place of the Trouble Desk to direct the activities of Maintainers G. M. Proffitt, and L. R. Sharpless while they were assigned to their regular tour of duty on May 25, 1987. Mr. Proffitt was told by the B&P block operator to investigate and report the cause of the 19 switch failure at Winans interlocking at approximately 4 pm on 5/25/87. He was later directed by the Assistant Chief train dispatcher at 7:15pm, to investigate and report the cause of a track occupied light on #3 track south of Canton interlocking. Mr. Sharpless was sent to Bush interlocking at 8:35pm (5/25/87) by the operator at Perry to investigate and report the cause for the failure of the High Car Detector.

(b) Claim that Mr. Rush, Mr. Digiacomo, and Mr. Edward be paid eight hours each at the time and one half rate of pay for the work performed by Block Operators and Train Dispatchers on May 25, 1987. This work is generally recognized as work belonging to employees assigned to the C&S Trouble Desk who are represented by the Brotherhood of Railroad Signalmen." Carrier file NEC-BRS-SD-299.

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

As Third Party in Interest, the Transportation Communications Union and the American Train Dispatchers Association were advised of the pendency of this dispute but did not file a Submission with the Division.

The Claimants in this case did not work on the Memorial Day Holiday, May 25, 1987, but received holiday pay for that day. The essential thrust of the Claim is the Organization's contention that Block Operators and Train Dispatchers performed work on Memorial Day reserved to employees assigned to a position identified as "Trouble Desk." But, in the case at hand, on Memorial Day, employees other than those assigned to the Trouble Desk position contacted Maintainers and notified them to investigate certain signal system problems which arose on that date.


After careful review of the record developed on the property, we find that the Organization has not met its burden of proof required in matters such as this. The Scope Rule at issue, Rule 1 - Scope, is general in nature. We find nothing in the Rule providing that the act of notifying Maintainers of signal problems is reserved solely to employees assigned to Trouble Desk positions. Thus, in order to prevail in this Claim, the Organization must show that the claimed work is reserved to its employees by exclusive, system-wide past practice. This is a burden it has not met and, we, therefore, must deny the Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 16th day of October 1990.