

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (CONRAIL):

Claim on behalf of Inspector D. A. Dunkle, 868273, assigned hours from 0700 to 1530 Monday through Friday.

(a) Carrier violated the current agreement between Conrail and the BRS, particularly CLASSIFICATIONS (INSPECTOR) and all other relevant agreement rules, when the Carrier failed to call an Inspector or Foreman when their duties were required to be performed.

(b) Carrier should now be required to compensate Mr. Dunkle twelve (12.0) hours at one and one-half times his normal rate of \$16.37 per hour. Payment is for loss of overtime work opportunity." Carrier file SG-232. BRS Case No. 8289.CR.

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

The Claimant is an Inspector in the pertinent area. In January of 1990, there was a derailment and, at about the same time, 24L signal was vandalized. Although Signal Maintainers were called to work, the Organization contends that none of them held an Inspector's position, and the situation required either an Inspector or a Foreman.



The Claim contends that the "Classification Rule-Inspector" was violated. That Rule defines the Inspector as one who is assigned to direct the work of employees and to inspect the facilities, equipment or apparatus installed, maintained or repaired by employees under the Agreement, and to perform C&S Tests. Appendix F states that certain designated tests may be performed as required by qualified employees.

Carrier's denial was premised upon the assertion that the presence of an Inspector was not warranted under the circumstances.

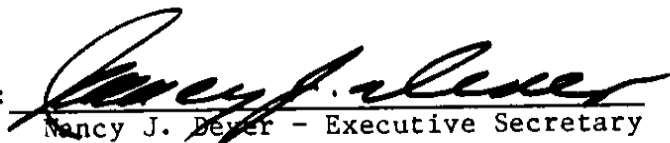
We find nothing of record to suggest that the supervisory employees who were present took any action which violated the Agreement. That conclusion and the permissive (rather than mandatory) nature of Appendix F compels us to deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of August 1992.