

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30112
Docket No. SG-29983
94-3-91-3-373

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr., when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(CSX Transportation, Inc. (former Louisville
(and Nashville Railroad)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSXT, Inc. (L&N):

Claim on behalf of R.L. Collins, for seven (7) hours pay at his punitive rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rules 32, 35, and 41, when it used a signal employee from another Seniority District to perform work on Seniority District No. 3, on April 9, 1990." Carrier's File No. 15 (90-54). BRS Case No. 8347-CSXT. L&N.

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 employe 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.

This Claim is similar to that considered in Third Division Award 30042 in that it involves the use of a Signal Maintainer from one seniority district (District No. 9) to perform work in another seniority district (District No. 3). Such work involved the use of a boom truck, driven from District No. 9 to a location in District No. 3, where signal equipment was picked up and then delivered to another District No. 3 location. The Organization contends that the District No. 9 employee "installed" the equipment on location, but this is contested by the Carrier. The Claim is on behalf of a

District No. 3 Signal Maintainer, claiming infringement on work within the seniority district.

During the Claim handling on the property, the Carrier stated that neither the Claimant nor any other available District No. 3 employee had the necessary license to qualify for operating the boom truck. This was not contradicted thereafter. On this basis alone, the Claimant is clearly without appropriate standing to claim the work. Further, as in Third Division Award 30042, the Board finds no Rule violation as to the boom truck operation which originated in District No. 9. Proof is lacking as to the truck driver's participation in "installing" the equipment.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin / lw
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 4th day of April 1994.