

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32751
Docket No. SG-32891
98-3-96-3-247

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (**(Brotherhood of Railroad Signalmen**
(Burlington Northern Railroad

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Railroad (BN):

Claim on behalf of M. R. Sims, M. D. Dake, and J. D. Jernegan for payment of 107 hours at the time and one-half rate, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it utilized a management employee to inspect and test the signal system at the Springfield CTC Control Office from January 23, 1995 to March 6, 1995, and deprived the Claimants of the opportunity to perform that work. Carrier’s File No. SIA 95-05-31AB. General Chairman’s File No. S-22-95. BRS File Case No. 9854-BN.”

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 employee 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 were given due notice of hearing thereon.

The claim asserts that supervisory personnel improperly performed scope covered work involving signal tests on traffic control equipment and operated a computerized traffic control (CTC) system to test operation of the control and indication functions of the signal system. The Carrier argues that the testing involved was part of a system wide conversion of the Carrier's traffic control system from various systems to a centralized and unified system in Fort Worth and supervisory personnel could perform such work under Rule 2.

On the property, the Organization asserted that covered employees at the Springfield CTC Control Office have tested database changes to the existing CTC computer control machine exclusively for over 11 years. On the property, the Carrier asserted that, as a practice, in major checkouts supervisory personnel have always performed tests to verify the integrity of the system.

The Scope Rule covers "... inspection and tests ... of ... traffic control systems ... [a]ll appurtenances, devices and equipment used in connection with the systems cited ... regardless of where located and how operated." In the handling on the property - specifically in the Organization's May 31, 1995 letter - the Organization also cited Rule 2. Rule 2 provides "Supervisory officers of the Carrier may make other than routine or periodic tests and inspections."

The burden is on the Organization. Rule 2 has been raised on the property. The Organization has not demonstrated in this system conversion that the testing performed by supervisory personnel was merely "routine and periodic tests and inspections" which Supervisors cannot perform under Rule 2 as opposed to verification of the integrity of the system in a major checkout which, as the Carrier asserts, supervisory personnel have regularly performed in the past and which is permissible under Rule 2.

The Organization's burden has not been met. The claim shall be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 23rd day of September 1998.