

Award No. 12698
Docket No. SG-12188

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Don Hamilton, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY — COAST LINES**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Atchison, Topeka and Santa Fe Railway Company;

In behalf of Signalmen B. W. Lang and R. N. Snodderly for payment of eight hours each at pro rata rate of pay for March 12, 1958, account work covered by the Scope of the Signalmen's Agreement being assigned to and performed by electricians of the Santa Fe Shop Extension. [Carrier's File: 132-118-6]

EMPLOYEES' STATEMENT OF FACTS: About the year 1913 Signal Department employees constructed a 4400-volt power line with high voltage transformers for signal service between San Bernardino and Arcadia, California. That line was maintained and repaired exclusively by Signal Department employees until about 1950, when those employees installed electric meter service connections for the signal system between Arcadia and Glendora, and from Glendora to Etiwanda, and retired the 4400-volt line between these points. A 4400-volt line remains between San Bernardino, California, and Belen, New Mexico.

Beginning about March, 1953, working on Authority No. G. M. O. 8818, the Signal Department employees installed service connections for electric meters from Etiwanda to San Bernardino, completing the job about February, 1954, and retired the power line. Prior to, during, and after that time, Signal Department employees installed service connections for meters at dozens of locations in San Bernardino, Los Angeles, Riverside, Orange and San Diego Counties, California, which are all of the counties traversed by the lines of this Carrier's Los Angeles Division.

Until early in 1958, meter service connections installed in this area to serve signal circuits and charge storage batteries were installed by signal employees.

the failure of any employe of that class to come forward with the requisite State registration and license during the handling of this dispute on the property.

Sometimes prior to March 12, 1958, the date of the alleged Agreement violation in this dispute, the Carrier had received several complaints from Southern California cities and power companies who insisted that electrical installations coming under the jurisdiction of the electrical codes of the various political subdivisions be made by master electricians who had passed the requirements and were the holders of a "Certificate of Competency" (License). As an example, less than a year prior to the installation at Hesperia, in the months of June and July 1957 when the Carrier was engaged in installing crossing protection at a crossing in Santa Fe Springs, Los Angeles County, California, the meter installation was made by the Signalmen who were unable to get inspection by reason of the fact they were unable to obtain an electrical permit from the County Inspection Office. The Shop Extensions Department secured the permit for the installation and requested an inspection. The County Inspector turned the job down because of incorrect connections. The Shop Extensions Department were called upon for help and an electrician was sent from that department to explain to the signalmen the correct manner of making the connection. The County Inspector again turned the job down because of incorrect wiring and a Shop Extensions Department electrician was again sent to the job. He revamped and reconnected the wiring to conform to the Electrical Code, the County Inspector approved the installation and the power company made the connection with their wires for service. Thus after two attempts by the Signalmen to make the "meter installation," it was necessary for a qualified electrician from the Shop Extensions Department to go to Santa Fe Springs and rewire the installation before approval could be obtained from the Inspection Authorities. In spite of that experience, only a matter of months prior to the date of the instant claim, the Signalmen are now before this Board contending that they and they alone have the right to perform work that they demonstrated at Santa Fe Spring that they were neither qualified nor licensed to perform.

The Carrier has thus shown that:

(1) Its use of Shop Extensions Department electricians to install the meter box and switch box with the necessary wiring and grounding facilities at Hesperia on March 12, 1958 did not violate the Scope Rule of the Signalmen's Agreement.

(2) The use of those electricians was in accord with principles that have previously been upheld by this and other Divisions of the National Railroad Adjustment Board and

(3) Neither the claimants nor any other employes of the Carrier's Signal Department on its Los Angeles Division were licensed under the governing regulations to perform the work herein involved.

In conclusion, the Carrier respectfully reasserts that the Employes' claim is wholly without merit or support under the Agreement rules and should be either dismissed or denied, for the reasons herein expressed.

(Exhibits not reproduced.)

OPINION OF BOARD: The principles involved in this case are identical

with those in Docket SG-12187, Award No. 12697. The decision in said prior award is controlling and hereby adopted in this case.

Signalmen B. W. Lang and R. N. Snodderly are each awarded eight (8) hours pay at their pro rata rate of pay for March 12, 1958.

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 Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June, 1964.

DISSENT TO

AWARD 12698—DOCKET SG-12188

(Referee Hamilton)

The Dissent to Award 12697 (Hamilton) is hereby adopted for this dissent.

W. M. Roberts

G. L. Naylor

R. E. Black

W. F. Eaker

R. A. DeRossett

RESPONSE TO DISSENT TO AWARD NO. 12698

DOCKET SG-12188

Our response to the Dissent to Award No. 12697 is here applied.

W. W. Altus, Labor Member