

Award No. 18898
Docket No. SG-15549

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Clement P. Cull, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN
THE BALTIMORE AND OHIO RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Baltimore and Ohio Railroad Company that:

(a) The Carrier violated and continues to violate the current Signalmen's Agreement, as amended, when other than Signal Department Employees were permitted and/or assigned to install, maintain, repair, clear trouble, and revise carrier equipment at repeater stations located at Warwick, Ohio; Lodi, Ohio; Willard, Ohio; Deshler, Ohio; Garrett, Indiana; and Walkerton, Indiana, in connection with the installation and operation of a Centralized Traffic Control System on the Akron-Chicago Division.

(b) The Employees on the 1964 Signalmen Seniority Rosters of both the Akron and Chicago Division Seniority Districts be allowed an amount of time at their individual, applicable rates of pay equal to that spent by others in performing this signal work, commencing sixty (60) days prior to March 31, 1964, and continuing as long as this violation exists.

EMPLOYEES' STATEMENT OF FACTS: This dispute arises from Carrier's failure to assign to Signal Department employees of the Akron and Chicago Divisions Seniority Districts the installation and maintenance of certain components of a Centralized Traffic Control System upon which the System is dependent. The work was assigned instead to Communications Department employees.

The dispute involves the installation, maintenance, and repair of "carrier equipment" the function of which is the operation and control of the CTC System. The disputed equipment uses as a conductor between the control machine at Akron, Ohio; repeater stations at Warwick, Lodi, Willard, Deshler (Ohio), Barrett, Walkerton (Indiana); and field signal locations a CTC code line which was installed and is maintained by Signal Department employees. It does not use as a conductor communications circuits the installation and maintenance of which are performed by the Communications Department employees who are performing the disputed work.

A companion to this case is one identified by the Brotherhood as NRAB-1571-B.&O., for which a separate but similar ex parte submission is being

The Carrier submits that the wage claim at part (b) of this protest is basically defective and necessarily must be denied for the failure of the Signalmen's Committee to name the claimant or claimants under an application of the Time Limit Rule.

Carrier's Additional Statement As To The Nature Of The Claim Made:

It should be pointed out that a substantial portion of the claim made at Part (a) deals in terms of installation work in connection with " * * * carrier equipment at repeater stations * * * (located at Warwick, Lodi, Willard, Deshler, Garrett and Walkerton) * * * in connection with the installation and operation of a Centralized Traffic Control System on the Akron-Chicago Division."

It will also be observed that this claim at (b) commences " * * * sixty (60) days prior to March 31, 1964, * * *."

It is significant therefore to point out that a substantial portion of the instant claim is not now properly before his labor tribunal. The Carrier submits the following record:

The installation work at Akron, O., including necessary testing, was completed not later than December 31, 1963. The installation work at Willard, Ohio, was completed not later than January 28, 1964. The installation work at Deshler was completed not later than January 21, 1964. The installation work at Garrett was completed not later than December 18, 1963. The installation work at Walkerton was completed not later than January 22, 1964.

The installation of so-called "carrier equipment" at repeater stations located at Warwick, Ohio, and Lodi, Ohio, had nothing whatever to do with " * * * the installation and operation of a Centralized Traffic Control System on the Akron-Chicago Division * * *." The installation and maintenance of this particular "carrier equipment" was required as part of the overall installation work of hot box detectors on the Akron Subdivision. (See Committee file 1555 before this Board).

It is apparent, therefore, that a substantial portion of the claim as now made is not properly before this labor tribunal, either on the ground that it pre-dates the effective date of this claim or else was totally unrelated to the "installation and operation of a Centralized Traffic Control System on the Akron-Chicago Division."

OPINION OF BOARD: The dispute involves the installation, maintenance and repair, etc. of carrier equipment at repeater stations at various locations on the Carrier's system.

The Petitioner's Scope Rule reads in relevant part:

" * * * either in the shop or in the field * * * work of constructions, installation, inspecting, testing, maintenance, repair and painting of:

* * * * *

(g) Centralized traffic control systems"

The Rule #125 of the intervening third party, International Brotherhood of Electrical Workers, AFL-CIO, reads in part as follows:

“* * * work shall include electrical wiring, maintaining, rebuilding, inspecting and installing * * * all inside telegraph and telephone equipment * * *”

In neither case is “carrier equipment” specifically mentioned.

The record reveals that a “carrier” is a form of communication using waves that can be modulated by changing their amplitude, frequency, or phase so that they can ‘carry’ intelligence. The parties agree that traffic control signals are amplified through the repeater stations. The Carrier contends, without contradiction, that this is a minor function with respect to the over-all communication system.

The record further reveals that the repeater stations are for the purpose of amplifying all voice, teletype, telephone dial and traffic control frequencies.

The Carrier contends that the “carrier equipment” at issue is a communication system and the work belongs under the Intervenor’s agreement. The Organization claims that the “carrier equipment” which amplifies signals is an essential part of the Centralized Traffic Control System and as such the disputed work belongs to Claimants. The Organization makes no claim for “carrier equipment” which involves communication by voice, teletype or telegraph. Hence the Organization is seeking one part of the integrated equipment, the module or channel used for the amplification of traffic control signals.

It is noted from the record that the Claimants installed the Centralized Traffic Control system on the Akron-Chicago Division, the Division involved herein, including the code lines. The Organization also installed filter and lightning arresters to protect the filters. These filters are used to pick up high frequencies off the line at the repeater station. From this point where the high frequencies are taken off the code line the class represented by Intervenor does the work.

Claimant has not shown that installation of this type of equipment has been reserved exclusively to it. The record reveals that as early as 1960 telephone maintainers were required to perform “The duties of * * * installation and maintenance of train dispatching apparatus, carrier, telephone and teletype equipment, amplifiers, radio, etc.” (Emphasis ours.)

Where, as here, the installation of the “carrier equipment” was an integral part of an over-all communication system including telephone, teletype and signal the assignment of the work to Intervenor was not violative of the Petitioner’s agreement.

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 Contract was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of December 1971.