Award No. 19040

Docket No. SG-14942

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Claude S. Woody, Jr., Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Illinois Central Railroad that:

(a) The Carrier violated the current Signalmen's Agreement, as amended, particularly the Scope, when, on May 8, 1962, it required and/or permitted employes who hold no seniority or other rights under that agreement to set a power tap pole at an expressway underpass under construction at Mississippi Avenue, Memphis, Tennessee — that pole being set for the exclusive purpose of furnishing power to operate automatic signals.

(b) The Carrier be required to compensate Messrs. L. C. Smith, R. F. Davis, C. F. Brewer, E. L. Smith, L. D. Smith, M. D. Burns, M. F. Clayton, and J. U. Davis for the time consumed by other employes in setting this pole.

[Carrier's File: 135-213-130, Case No. 169 Sig.]

EMPLOYES' STATEMENT OF FACTS: On May 8, 1962 Carrier required and/or permitted persons not covered by the Signalmen's Agreement to set a pole that was to be used exclusively for the purpose of furnishing electrical power to operate automatic highway crossing protection devices at Mississippi Avenue, Memphis, Tennessee.

Under date of May 11, 1962, the claimants submitted a joint claim (Brotherhood's Exhibit No. 1) to the Division Engineer, asserting the pole in question was set in violation of paragraph (b) of the Scope of the Signalmen's Agreement. The Division Engineer subsequently denied the claim in a letter to the claimants, on the basis of past practice. That letter is Brotherhood's Exhibit No. 2.

The claim was then submitted by the Local Chairman to the Division Engineer on June 4, 1962, and the latter wrote his letter of denial to the Local Chairman on June 11, 1962. That exchange of correspondence is Brotherhood's Exhibit Nos. 3 and 4. On June 23, 1962, the Local Chairman notified the Division Engineer of the rejection of his decision, then presented an appeal to the Superintendent on the same day. The Superintendent's denial, dated July 31, 1962, is Brotherhood's Exhibit No. 5. On August 10, 1962, the Local Chair-

OPINION OF BOARD: This dispute arose as the result of electrical workers setting a pole upon which they mounted an electric meter and switch (meter loop) to service a highway crossing signal. Signalmen claim that they should have been awarded the work involved in setting the pole.

The record establishes that the subject pole was erected to support the meter loop and that the work of mounting the meter loop is not in dispute. While it is correct, as Signalmen argue, that the purpose of the pole and meter loop together was to service a crossing signal within their work jurisdiction, the pole appurtained to the crossing signal only through the meter loop, and the meter loop appears to be conceded to be a work jurisdiction not exclusively reserved for Signalmen.

Hence, if the meter loop work is not reserved to Signalmen, neither can it be said that the work of erecting the support pole is so reserved. We must deny the claim.

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

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 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 28th day of February 1972.

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