

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19223
Docket Number SG-17351

Thomas L. Hayes, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Union Railroad Company that:

(a) Carrier violated the current Signalmen's Agreement, as amended, particularly Rule 1 (Scope), when during September and October, 1966, it used employees not covered by the Agreement to perform Signal Work consisting of the installation of seventy-six (76) insulated rail joints at the scales being built at Clairton.

(b) Leading Signalmen William F. Freidhof and Robert J. Hayes each be paid sixty-four (64) hours at the straight-time rate (\$2.9788) and thirty-two (32) hours at the time and one-half rate (\$4.4682) as a result.

(General Chairman's File; U-035.)

OPINION OF BOARD: This dispute concerns the Signalmen's contention that the work of installing certain rail joints is reserved to them by their Agreement with the Carrier. It is contended by the Employees that the rail joints in question are insulated joints of the type used in railroad signaling. The Carrier counters in its ex parte submission that the joints were installed after being modified by omitting the insulating "end post". The Carrier's defense is not challenged.

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 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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1972.