

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19377  
Docket Number SG-18312

Thomas L. Hayes, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(The Chesapeake and Ohio Railway Company  
(Chesapeake District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Chesapeake and Ohio Railway Company (Chesapeake District) that:

(a) Carrier violated and continues to violate the current Signalmen's Agreement, in particular Rule 1 (Scope), when on or about October 18, 1967, it assigned or allowed maintenance, repairs and/or improvements of electric switch heaters located at the Carntown, Kentucky, signal interlocking plant (Mile Post 633.5) on crossovers 49 and 51, to employees not covered and who hold no rights under provisions of the Signalmen's Agreement.

(b) Carrier now be required to compensate the claimants named below at their applicable rates of pay, in the comparable amount of time that the Carrier used employees not covered in the Signalmen's Agreement in performing the work cited in part (a) of this claim. In view of the fact that the above action on the part of the Carrier is a continuing violation of our agreement, we request that this claim be retroactive sixty (60) days from date when filed, May 6, 1968, and to continue until such time as the Carrier takes the necessary corrective action to assign such work to employees covered in the Signalmen's Agreement.

R. L. Scharfenberger, Maintainer  
G. W. Moore, Maintainer, Helper  
/Carrier's File: 1-SG-262/

OPINION OF BOARD: In Award 19376, the Petitioner claimed that Signalmen have the exclusive right to install electric switch heaters at Carntown, Kentucky, on the Carrier's Cincinnati Division and, in this case, Petitioner asserts, on behalf of Signalmen, an exclusive right to maintain or repair the same switch heaters.

As we stated in the previous case:

"... the Petitioner made no showing that the work in dispute is of a type historically and customarily performed by Signalmen alone and therefore we must dismiss the claim."

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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

That the Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

EG Killen  
Executive Secretary

Dated at Chicago, Illinois, this 28th day of July 1972.