

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19450  
Docket Number SG-16529

Joseph E. Cole, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(Southern Pacific Company (Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Company (Pacific Lines) that:

(a) The Southern Pacific Company violated the current Signalmen's Agreement, effective April 1, 1947 (reprinted April 1, 1958, including revisions) when it failed and/or declined to apply the Scope Rule, which resulted in the violation of Rule 70, on May 17 and 18, 1965, by assigning recognized signal work to employees not covered by the agreement.

(b) Mr. F. P. Rasco, senior furloughed Signalman on the Rio Grande Division, be allowed six (6) hours for May 17, 1965, and four (4) hours for May 18, 1965, at the straight time rate of Signalman. (Carrier's File: SIG 152-183)

OPINION OF BOARD: 1. The construction of earth mounds that are used as bases for hot box detectors is not, according to the record here, exclusively the work of signalmen on this carrier.

2. The fact that earth mounds were used as bases for hot box detectors is not sufficient causal connection to make them subject to the signalmen's agreement.

3. Unless reserved by practice or by the scope rule, the management may assign such work according to its best judgment.

4. Neither the scope rule, nor practice, reserves this construction work to signalmen.

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

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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. Killam*  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1972.