

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19451  
Docket Number SG-16646

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 and Rule 66, which resulted in the violation of Rule 70, by assigning recognized and specified signal work to employees not covered by the Signalmen's Agreement on June 23-25, 1965. Such work being that of building a support or mound of earth upon which to set in place a foundation for hot box detector equipment just east of Lordsburg, New Mexico.

(b) Mr. C. E. Crumley be allowed nine hours for June 23, 1965; nine hours for June 24, 1965; and four hours for June 25, 1965, at the Signalman's rate of pay. (Carrier's File: SIG 152-186)

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 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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

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 30th day of October 1972.