

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19593
Docket Number SG-17549

Alfred H. Brent, 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 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 by Assigning the installation and maintenance of a part of the CTC system, specifically a "coupled in motion" scale at M.F. 145.47 at Berg, Calif., to employees not covered by the Classification Rules of our Agreement, which resulted in the violation of Rule 70.

(b) Mr. G. M. Davis be allowed one (1) hour at the straight time rate of his position for each week commencing September 13, 1966, and continuing until the above maintenance work is properly assigned to Signal Forces.

(c) All future installations of "coupled in motion" scales on the Southern Pacific property be assigned to Signal Forces represented by the Brotherhood of Railroad Signalmen. (Carrier's File: SIG 152-213)

OPINION OF BOARD: The question raised in this dispute is whether the Signalmen should have been assigned the work on the "coupled-in-motion track scale" installed by the Carrier at Berg. The basic question for this Board is whether the scale at Berg is part of the CTC system. The Organization contends that because the scale is tied into and operated through and is a part of the CTC system it is the work of Signalmen. The Carrier contends that the scale is an independent electronic device and is not part of the CTC system.

The Petitioner had the burden of proving every essential element of the claim. The mere assertion that the scale is part of the CTC system does not constitute proof. The "coupled-in-motion track scale" is an independent electronic unit; whether the scale is in an operative or inoperative condition has no bearing or effect on the CTC system, and the switches at the East End and West End of the scale track are handthrown. The Scope rule of the Agreement does not specifically mention track scales and was not violated by the Carrier's assignment of the work.

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

That the Claim should be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. G. Killen
Executive Secretary

Dated at Chicago, Illinois, this 14th day of February 1973.