

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19729
Docket Number SG-17877

C. Robert Roadley, 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 and 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, when it assigns the work of maintaining, inspecting, testing and repairing part of the hot box detector systems located west of **Tucumcari**, New Mexico to employees who are **not** covered by the Classification Rules of our Agreement.

(b) That Mr. E. F. **Yandell** be allowed an equivalent amount of time as that used by employees who are not covered by the Signalmen's Agreement in performing the assigned work mentioned in paragraph (a) **above**.

(c) That this claim continue, and apply to any employees succeeding the claimant in paragraph (b) above, on assignment of Signal Maintainer at **Tucumcari**, New Mexico, until the violation mentioned in paragraph (a) **above ceases**. (Carrier's File: SIG 152-221.)

OPINION OF BOARD: The work involved in this dispute is identical **to** that involved in Award No. 14279. The dispute resolved by Award No. 14279 was governed by the parties' Scope Rule in their 1947 Agreement. That Rule was revised in 1963, but insofar as the present work is concerned, we **note** no specific language to overturn Award No. 14279, neither do we find that award to be palpable error.

We must therefore deny this claim.

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 April 1973.