

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20747

Docket Number SG-20688

Francis X. Quinn, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Erie Lackawanna Railway Company

STATEMENT OF CLAIM: Claim of the General ~~Committee~~ of the Brotherhood of Railroad Signalmen on the Erie Lackawanna Railway Company:

On behalf of Mr. W. K. French and Mr. R. J. Sykes, Foremen of Maintainers on the New York Division, account not being called to call **employees** for overtime on the following dates:

W. K. French - March 18, 1973 2-2/3 hrs. Trouble Dewey Avenue
2-2/3 " "DB"
2-2/3 " Washington Avenue
March 25, 1973 2-2/3 hrs. Orchard Street
2-2/3 " "DB"
2-2/3 " Bowlen Avenue
April 1, 1973 2-2/3 hrs. Dorell Road
2-2/3 " Lyndhurst

R. J. Sykes April 1, 1973 2-2/3 hrs. Trouble Paterson and Ravine

OPINION OF BOARD: The exclusive right asserted here by Petitioner must come from the parties' agreement or past practice and custom on the property. A review of the Agreement and the record persuades us that it does not give signal department employees an exclusive right to the work which is the subject of this claim and there is no evidence that signalmen perform such work on a system-wide basis. Therefore, the claim must be dismissed.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the **employees**, 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;

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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 dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of May 1975.