

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20847  
Docket Number MW-20902

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(R. C. Haldeman, Trustee of the Property of the  
( Lehigh Valley Railroad Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that :

(1) The Agreement was violated on February 21 and 22, 1973 when other than track department forces were used during overtime hours to operate crossover switches by sequentially spiking the switch point against the switch rail; removing the track spike; moving the switch point against the other switch rail by using track lining bars; replacing the track spikes, etc.

(2) Track Laborer Conan P. Anthony be allowed six (6) hours of pay at his time and one-half rate and Area Foreman James J. Arnold be allowed six and one-fourth (6-1/4) hours pay at his overtime rate because of the aforesaid violation.

OPINION OF BOARD: The applicable Scope Rule cannot be interpreted to support the allegation that spiking and respiking is reserved to trackmen; neither does the record supply any probative evidence to substantiate such an allegation. The record indicates that the work performed by the signalman was under the jurisdiction of the Signal Department.

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

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

That the Agreement was not violated.

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**Claim** denied.

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By Order of Third Division

ATTEST: *A.W. Paulson*  
Executive Secretary

Dated at Chicago, Illinois, this 24th day of October 1975.