

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22016
Docket Number SG-21951

James F. **Scearce**, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: **Claim** of the General **Committee** of the Brotherhood of Railroad Signalmen on the Missouri Pacific Railroad Company:

On behalf of Signal Foreman S. **B.** Young, Sedalia, Missouri, for sixteen days' pay at the Class Two rate of pay for the period July 8, 1975 to July 29, 1975; and **on** behalf of Signalman J. W. Vancel for nine working days' pay at the Class Four rate of pay for the period July 14, 1975 to July 25, 1975, account Signal Foremen Smith and Ives performing construction work. [Carrier file: K 225-689]

OPINION OF BOARD: The Petitioner here seeks an award which would require Claimants Young (**Rule** 101) and **Vancel** (**Rule** 107) be paid because the Carrier used Foremen Smith (**Rule** 102) and Ives (**Rule** 103) to perform certain signal construction work which it contends is reserved to classifications 101 and 107. The Petitioner cites Agreement Rules 102 and 103. The Carrier denies that such reservation of work exists in Rules 101 and 103 and further cites the note appended to Rule 103.

We must hold for the Carrier.

The first fault with the position of the Petitioner is that the Agreement rules cited do not pertain to the Claimants' positions. Hence, even if we were to find that they were violated, they would not support Petitioner. The second fault is as pointed out by Carrier; i.e., the note appended to **Rule** 103 clearly states that **Rules** 101 and 103 do not constitute an exclusive assignment of duties specified therein to the occupants of such positions.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 14th day of April 1978.

