

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22228  
Docket Number SG-22150

Abraham Weiss, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Railroad Signalmen  
(Southern Pacific Transportation Company  
( (Pacific Lines)

STATEMENT OF CLAIM: "Claims of the General Committee of the Brotherhood of Railroad Signalmen on **the** Southern Pacific Transportation Company:

Claim No. 1

(a) The Southern Pacific Transportation Company violated the current agreement between the (Former Pacific Electric Railway Company) and its employes represented by the Brotherhood of Railroad Signalmen, effective September **1**, 1949 (including revisions) particularly the scope rule, the Memorandum of Agreement between the Southern Pacific Company and Pacific Electric Railway Company regarding signal work on the Harbor Belt Railroad and past practice, **when** it allowed employes of or subcontracted by the J. A. **Placek** Construction Company to perform work belonging to the former Pacific Electric Railway Signal Department Employees.

(b) The below listed employes be allowed compensation at their respective pro-rata rates for the following dates:

**Messrs:**

|              |          |  |
|--------------|----------|--|
| R. Minard    | December | 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, <b>17</b> , 18, 19, 22,-1975 |
| R. Jaramillo | "        | 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, <b>22,-1975</b>  |
| J. Jaramillo | "        | 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, <b>22,-1975</b>  |
| L. House     | "        | 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22,-1975         |
| L. Dillard   | "        | 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, <b>22,-1975</b>  |
| G. Ochoa     | "        | <b>2, 3, 4</b> , 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22,-1975 |
| T. Collier   | "        | 18, 19, and 22,-1975   |
| R. Fry       | "        | 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22,-1975         |

Carrier file: SIG 152-357

Claim No. 2

"(a) The Southern Pacific Transportation Company violated the Agreement between the (former Pacific Electric Railway Company) and its Employees represented by the Brotherhood of Railroad Signalmen, effective September 1, 1949 (including revisions) particularly the Scope Rule and also violated the **Memorandum** of Agreement between the Southern Pacific Company and the Pacific Electric Railway regarding the Harbor Belt **Railroad**, when it allowed employees belonging to and/or subcontracted by the P. A. **Placek** Construction Company to perform work belonging to the Bonder and Welder.

(b) That **Messers**, L. **Sirus**, A. Lozano, H. Garcia and G. **Bozaan** be allowed ten (10) hours at the time and one half rate, each, for December 20, 1975."

Carrier file: SIG 152-360

OPINION OF BOARD: The Petitioner in this case complains of work on the Harbor Belt Railroad being allotted to other than Signal employees of the former Pacific Electric Railway Company. Petitioner asserts that such work assignment was a violation of the Agreement between it and the latter company. No agreement between Petitioner and Harbor Belt is shown.

The Respondent Carrier in this dispute has shown that while work of the type in question has been performed by its employees on the Harbor Belt, Harbor Belt at all times retained control of work on its property.

It follows that Respondent is not responsible for the act complained of and that this claim must be denied.

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;

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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:

  
Executive Secretary

Dated at Chicago, Illinois, this 15th day of **November 1978**.