

088

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22289  
Docket Number SG-21958

Don Hamilton, Referee

**PARTIES TO DISPUTE:** (Brotherhood of Railroad Signalmen  
(Toledo, Peoria & Western Railroad Company

**STATEMENT OF CLAIM:** "Claim of the General **Committee** of the Brotherhood of Railroad Signalmen on the Toledo, Peoria & Western Railroad Company:

On behalf of Signal Maintainer Joe R. **Kurtz** for a call of two hours and forty minutes at the prevailing overtime rate of pay for each date account other than signal **employees** changing radios on the BN coal train arriving and departing **Bushnell**, Illinois, this to begin January 16, 1976, and to continue in accordance with Rule 701(d) of the current agreement until a correction is made."

**OPINION OF BOARD:** The **Grievant** requests payment for a call as a result of the alleged action of someone other than a signal **employee** changing radios on the coal train arriving and departing Bushnell, Illinois.

The record indicates that **a unit** coal train arrives at Bushnell, Illinois, loaded with coal from **a mine** in Montana, destined for a power plant at Peoria, Illinois. The movement from Montana to Bushnell is handled by the Burlington Northern. At **Bushnell**, the Toledo, Peoria & Western takes over the movement to the power plant at Peoria.

The T P & W returns the entire empty train to Bushnell and gives the train to the B N for return to Montana.

These B N trains are equipped with B N radios installed in the locomotive and caboose which transmit and receive only on assigned B N radio frequencies.

When the T P & W crews board the train, they carry portable **Handie-Talkie** Motorola **FM** Radios. One radio is carried by the Engineer and the other is carried by the Conductor. A clip is placed on the existing antenna and the entire set is removed when the T P & W crew leaves the train.

There is **no** installation involved and no dismantling involved in the carrying of Randie-Talkies **on** and off the train. Therefore, there is no violation of the Scope **Rule in** this case.

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;

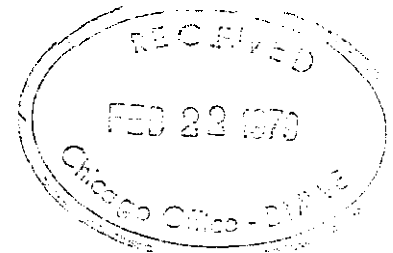
That the Carrier and the Employees involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway **Labor** Act, as approved June 21, 1934;

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. Paulos*  
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of **January 1979**.