

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24479**
Docket Number SG-23452

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Kentucky and Indiana Terminal Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Kentucky & Indiana Terminal Railroad Company:

On behalf of all Kentucky & Indiana Terminal Railroad Signal employees for all man hours worked by contractor employees in the performance of signal and communication work on carrier's property, beginning on or about March 1, 1979, and continuing for as long as Carrier uses persons not covered by the Signalmen's Agreement with the Kentucky and Indiana Terminal Railroad Company."

OPINION OF BOARD: The Organization asserts that the Carrier violated the Agreement when it arranged for an outside contractor to perform signal and communications work which, the Organization contends, was covered by the scope of the Agreement.

The Organization relies on that portion of the Agreement which defines certain work as coming within the scope of the Agreement including installation, construction, repair, reconditioning, inspection, testing and maintenance, of signals and signal systems, and communications equipment and appurtenances.

The Carrier responded that the contract in question - which was the subject of the claim - was for the construction of a new building and the installation of new and sophisticated traffic control devices as well as the replacement of present antiquated manual block system and it involved the closing of four (4) towers.

We have reviewed this record at length and in our view the work to be performed was of a nature of construction work but not construction of signals and systems as described in the Scope Rule. Thus; the work is not within the scope of the Agreement as normal signal-type of work and we will deny the claim.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee^s involved in this dispute are respectively Carrier and Employee^s 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; end

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of July 1983.

