

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Detroit, Toledo and Ironton Railroad Company

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Detroit, Toledo and Ironton Railroad Company:

On behalf of Signalmen D. R. Johnson, H. R. Simpson, H. D. Combs, and B. A. Miles who were furloughed at the time of the Agreement violation, but whose usual hours prior to furlough was 7:30 A.M. to 4:00 P.M.; assigned meal period 11:30 A.M. to 12:00 Noon; assigned rest days Saturday and Sunday.

(a) Carrier violated the parties' Agreement, as amended, particularly the Scope Rule, when on or about the week of June 21, 1982 Carrier contracted with the Amtek Electric Company to perform covered communications work of installing conduit required to house communications cable at Carrier's Flat Rock Yard office, Flat Rock, Michigan.

(b) Carrier should now be required to compensate the following furloughed employees in the amount of forty (40) hours each at their applicable straight time rate at the time furloughed due to loss of work opportunity and/or as a consequence of the violation cited in part (a) above: D. R. Johnson, H. R. Simpson, H. D. Combs and B. A. Miles."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Carrier contracted with outside forces to add a second floor to the office building in Flat Rock, Michigan. Part of the work performed by outside forces was the installation of conduit to house wires. The Organization contends that this work belongs to Signalmen and that, as such, Carrier should have employed its own forces to do the work.

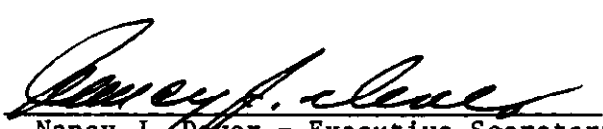
This Board has reviewed the positions of each side in this case and we are forced to conclude that no restriction exists that keeps Carrier from contracting out large construction projects that may include conduit installation as well.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1990.