

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30695
Docket No. SG-31098
95-3-93-3-12

The Third Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (Conrail):

Claim on behalf of D.J. Dailey, L.E. Murray, J.B. Blickley, for payment of an amount to be determined in a check of Carrier's records, account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule, when it allowed or permitted non-signal employees, between June 19, 1991 and June 28, 1991, to perform covered work of installing and connecting signal cables and denied the Claimants the opportunity to perform this work reserved to Signalmen under the Scope Rule."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

As Third Party in Interest, the International Brotherhood of Electrical Workers was notified of the pendency of this dispute and it filed a Submission.

On June 19, 1991 a derailment occurred at Narrowsburg, New York. The derailment destroyed approximately one-half mile of pole line which supplied energy to signal circuits including hot box and dragging equipment detectors. The lines on the pole line had been maintained by both members of the BRS and the IBEW. After the derailment the carrier decided to bury the cable rather than

replace the poles and the pole lines. The Carrier used both BRS and IBEW members to do the work of replacing the pole line with underground cable.

The Organization filed this claim averring that IBEW members performed work belonging to Organization members.

First, the Board must determine what work was done and by whom. The Carrier in its April 6, 1992 letter states that the only work performed by the electrical craft was the operation of a backhoe because no Organization members were qualified to operate the backhoe. On July 28, 1992, the Organization denied that electrical employees operated the backhoe, but did operate a boom/bucket truck to move the reels of cable. IBEW members also helped pull cables off of reels and assisted in the burial of the cable.

There is no dispute that members of the IBEW maintained the code line when it was on the pole line even though it was used exclusively for the signal system since 1981. The record is void of any evidence that the IBEW members did any of the work of connecting the new cable to the signal system. From the Organization's letter to the Carrier, it is obvious the Signalmen were present when the work was performed.

The Organization failed to prove that the operation of a boom/bucket truck, the pulling of cable off a reel and assisting in throwing dirt over the cable is work belonging exclusively to the Organization.

AWARD

Claim denied.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 31st day of January 1995.