

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 31179
Docket No. SG-31351
95-3-92-3-924

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

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad (UP):

Claim on behalf of the two senior relay repairmen employed at the Carrier's Pocatello Signal Shop for payment of 32 hours each at their straight time rate on account Carrier violated the current Signalmen's Agreement, particularly Rule 1 (Scope Rule), Rule 2 (Classifications), Rule 20 Seniority Districts), and Appendix 11 (Consolidated Signal Shop Agreement). Violation by the Carrier occurred on June 29 and July 1 through July 4, 1991, when employees not covered by the Agreement were allowed or permitted to perform the covered work of wiring signal houses."

FINDINGS:

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 waived right of appearance at hearing thereon.

On May 2, 1991, Carrier served notice of its intent to transfer the disputed work pursuant to the provisions of the February 7, 1965 National Agreement. That Agreement established procedures for resolution of disputes and conferred jurisdiction to that process.

The circumstances of this case are essentially undistinguishable from those in Third Division Award 30722, which involved these same parties and nearly identical allegations. Following a long line of prior Awards that recognized our lack of jurisdiction to address disputes arising under the February 7, 1965 National Agreement, the Board in Award 30722 dismissed the claim. We find that decision to be controlling.

AWARD

Claim dismissed.

ORDER

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 26th day of September 1995.