

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31984
Docket No. SG-32572
97-3-95-3-496**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Co. (SP):

Claim on behalf of J. M. Key for payment of 8 hours per day at the straight time rate and payment of all applicable overtime, beginning January 26, 1994, and continuing for the term of the violation, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule and the Letter of Understanding dated August 18, 1992, when it used non-covered forces to maintain, repair and adjust Centralized Traffic Control equipment at Denver, Colorado. Carrier’s File No. SIG 94-45. General Chairman’s File No. SWGC-903. BRS File Case No. 9644-SP.”

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 were given due notice of hearing thereon.

In this claim, the Organization asserts that non-covered employees performed scope covered work of maintaining, repairing and adjusting Centralized Traffic Control (CTC) equipment at the Carrier's control office in Denver, Colorado in violation of the Scope Rule and the August 18, 1992 Letter of Understanding.

The record shows that the equipment in the Denver Park Central Building has evolved over the years from a relay based system in the 1970's which required a covered employee to adjust and maintain relays and lamps to the present use of personal computers with desk monitors which do not require the services of a maintainer.

The Organization has not identified work that is scope covered or performed in violation of any provisions of the relevant Agreements as its burden requires. This claim must fail for lack of proof.

AWARD

Claim denied.

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 6th day of May 1997.