

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 35037  
Docket No. SG-35369  
00-3-99-3-264**

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

**(Brotherhood of Railroad Signalmen  
PARTIES TO DISPUTE: (  
(CSX Transportation, Inc. (former Louisville and Nashville  
( Railroad Company)**

**STATEMENT OF CLAIM:**

**“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (former Louisville & Nashville Railroad):**

**Claim on behalf of G.E. Fluhr, D.B. Puckett, J.W. Lee, T.G. Mattingly, T.M. Nalley, R.C. Meador, M.E. Bagwell, D.J. Witherspoon, R.D. Lightfoot, W.T. Sorg, H.W. Martin, and R.L. Englert for payment of 38.66 hours each at the time and one-half rate, account Carrier violated the current Signalmen’s Agreement, particularly Rules 1, 2, 3, 4, 7, 31 and 32, when it used outside forces to install poles for the signal pole line from Mile Post 52 to Mile Post 162.1, from February 19 to March 6, 1998, and deprived the Claimants of the opportunity to perform this work. Carrier’s File No. 15(98-183). General Chairman’s File No. 98-13-04. BRS File Case No. 10771-L&N.”**

**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.**

**The Organization filed a claim on April 6, 1998 contending the Carrier violated the Agreement when it used an outside contractor to install poles to support signal wires from MP 52.0 to MP 162.1 between February 19 and March 6, 1998. The Organization claims such action violates Rule 1, "The Scope Rule." The Rule covers ". . . installation . . . of all . . . power or other lines, with poles . . . pertaining to interlocking and signaling systems. . . ." The Organization's position is upheld.**

**As a result of the Carrier's violation, the Claimants lost work opportunities and shall be reimbursed a total of 360 hours at the straight time rate to be divided equally among the Claimants.**

### **AWARD**

**Claim sustained in accordance with the Findings.**

### **ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division**

**Dated at Chicago, Illinois, this 25th day of October, 2000.**