

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 37097
Docket No. SG-36969
04-3-01-3-570

The Third Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

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

Claim on behalf of J. F. Valdez, F. H. Greene, R. W. Ashdown, and C. S. Kangris for payment of 248 hours at the straight time rate and 496 hours at the time and one-half rate. Account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule, when it allowed outside contractors to install and monitor a slip-out detector system at MP 341 on the Santa Barbara Subdivision. Carrier's action deprived the Claimants of the opportunity to perform this work. Carrier's File No. 1245878. General Chairman's File No. W-SC-068. BRS File No. 11760-UP.”

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 claims that for a period of 31 days the Carrier contracted out work covered by the Scope Rule. The record indicates that the overwhelming bulk of the work involved track maintenance. The only work that could be covered by the Organization's Agreement was performed by one employee of the contractor and took less than four hours. The contractor "installed and monitored a slip-out detector." The Carrier agreed to pay \$100.00, divided among the four Claimants which will suitably resolve the dispute.

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 21st day of July 2004.