

**Form 1**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 37711  
Docket No. SG-37638  
06-3-02-3-733**

**The Third Division consisted of the regular members and in addition Referee Marty E. Zusman 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 (UP):**

**Claim on behalf of J. A. Glasser, L. R. Hagmann, D. D. Baxter, K. D. Granstaff, M. A. Smith, C. P. Frederick, J. R. Brunner, W. S. Dormann and M. W. Albrecht, for 25 hours each at their respective overtime rates, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule and Rule 80, when it allowed outside contractors to install wayside equipment for an Automated Equipment Identification (AEI) site on the Laramie Subdivision near milepost 513.6 and milepost 513.9, and deprived the Claimants of the opportunity to perform this work. Carrier’s File No. 1275626. General Chairman’s File No. Nscope-242. BRS File Case No. 12260-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 alleges a Scope Rule violation in that on August 14, 15, 16 and 17, 2001 outside contractors were on the Carrier's property installing an Automatic Equipment Identification site. This work belonged by Agreement to the Claimants who lost work opportunity due to the violation.**

**The Carrier denied the violation, indicating that the construction of an Automatic Equipment Identification System was not signal system work. It maintained that it was not covered by the Agreement and pointed to Third Division Award 19694 holding that the ACI system, which is the same as the AEI system, is a communication system and not a signal system.**

**The Board carefully reviewed the on-property record. There is no evidence whatsoever to demonstrate the central point: that the AEI system is a signal system. Moreover, this issue has been resolved on this property by Third Division Award 37062. That Award stated:**

**"From the Board's review of the case record, we find that the work of installing AEI equipment is not specifically covered by the Scope Rule here involved. The record is devoid of any proof or evidence that such work had been exclusively performed by Signalmen in the past. Additionally, there is no evidence to show that the AEI equipment affects or is otherwise connected to the signal system that controls the movement of trains."**

**We find no significant difference between Third Division Award 37062 and the instant facts. Both involve the same issue. Accordingly, the Board finds the issue is res judicata and the claim must be dismissed.**

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**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 30th day of January 2006.**