

Form 1

Award No. 38074
Docket No. SG-36825
07-3-01-3-342

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

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Company:

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.

As Third Party in Interest, the International Brotherhood of Electrical Workers was advised of the pendency of this dispute, but chose not to file a Submission with the Board.

In this claim the Organization challenges the Carrier's use of a manufacturer's representative to assist Signal Department employees with the installation of a new type of compressor at the Westward Classification Yard, North Platte, Nebraska.

The record reflects that although Signal Department personnel were present and assisted with the challenged work, they were not qualified to perform the installation at issue without help from retained non-covered subcontractors. Accordingly, no loss of work opportunity by the Claimants is demonstrated. Credible record evidence further demonstrates that the assistance of the manufacturer's representatives was necessary to maintain the factory warranty on the compressed air plants.

Beyond the foregoing, the electrical work challenged here, involving 480 volt service, has never been accomplished by BRS-represented employees. Indeed, it appears to be of a type expressly excluded from the reach of Scope Rule 3.

For the reasons stated above, the claim will be denied

AWARD

Claim denied.

Form 1
Page 3

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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 21st day of February 2007.