

Award No. 14888

Docket No. SG-14496

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

FLORIDA EAST COAST RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Florida East Coast Railway Company that:

(a) The Carrier violated the Scope and other provisions of the current Signalmen's Agreement when it assigned or permitted employes not covered by the Signalmen's Agreement to install and maintain carrier equipment and circuits used to transmit data from the hot box detectors along the Carrier's line of road to the recorders located at New Smyrna Beach, Florida.

(b) The Carrier violated the Scope and other provisions of the Signalmen's Agreement when it assigned Inspectors who are not covered by the Signalmen's Agreement to maintenance work in connection with hot box detectors along the Carrier's line of road.

(c) The Carrier violated the current Signalmen's Agreement when it assigned or permitted employes who are not covered by the Signalmen's Agreement to install and maintain relays and other office apparatus used in connection with the hot box detector recorders at New Smyrna Beach. All the violations cited above commenced during the month of October 1961, and the violations relative to maintenance of various facilities continue to exist.

(d) The Carrier be required to pay each employe in the Communications-Signal Department who is covered by the Signalmen's Agreement at his respective punitive rate of pay for an amount of time equal to that spent or which will be spent by other employes in installing and maintaining the apparatus outlined in paragraphs (a), (b) and (c) herein, such payments to be made on a proportionate basis.

EMPLOYEES' STATEMENT OF FACTS: As indicated by our Statement of Claim this dispute involves the installation and maintenance of hot

properly performing their work and to see that the apparatus is functioning properly.

Please sign one copy of this letter in the space provided for that purpose to signify your concurrence in this understanding and return to me.

Yours very truly,

C. L. Beals,
Chief Operating Officer,
Florida East Coast Railway
Company.

(Exhibits not reproduced.)

OPINION OF BOARD: Petitioner, in its claim alleged that Carrier violated the Scope and other provisions of the Signalmen's Agreement by (a) assigning or permitting employes not covered by the Agreement to install and maintain carrier equipment and circuits used to transmit data from hot box detectors, and (b) assigning or permitting Inspectors and others not covered by the Agreement to do installation and maintenance work relays and other apparatus in connection with hot box detectors along Carrier's line.

Carrier contends that no work belonging to employes covered under the Agreement has been transferred to employes not covered; and that the equipment referred to by the Petitioner was owned by the Southern Bell Telephone and Telegraph Company, and operated by that company since 1927 under contract for the services provided.

The record fails to establish that the employes of the Southern Bell Telephone and Telegraph Company worked on equipment other than that owned by the telephone company. Having failed to meet its burden, Petitioner's claim must be dismissed.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Claim shall be dismissed.

AWARD

The Claim of Petitioner is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of October 1966.

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