

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19370
Docket Number SG-18043

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Chesapeake and Ohio Railway Company
(Chesapeake District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Chesapeake and Ohio Railway Company (Chesapeake District) that:

(a) Carrier violated, and continues to violate, Agreements The Chesapeake & Ohio Railway Company has with the Signalmen's Organization, particularly Rules 1 (scope) and 34 (seniority district limits) of the current Signalmen's "working" agreement; and in particular Article III, Section 1 of the February 7, 1965 (stabilization of employment) agreement, when on or about June 15, 1966 it arbitrarily allowed, diverted or removed work from its signal employees assigned to this district, in particular work involved in improvements and/or maintenance of signal facilities between home signal limits of the Wabash (now N&W) portion of CW interlocking plant located at or near Peru, Indiana; said work having been assigned to and maintained by C&O employees for more than fifty (50) years. As a result of this action, we now ask that:

(b) Carrier now be required to compensate employees named below at their applicable pro rata rate of pay and in a comparable amount of time that other than C&O employees were allowed to perform work as cited in part (a) of this claim. Due to this claim being a continuing violation, we also request that said claim be retroactive sixty (60) days from filing date (September 25, 1967) and to continue until the Carrier takes necessary corrective action to return the work cited in part (a) to the jurisdiction of employees covered in above mentioned Agreements between the Signalmen's Organization and The Chesapeake & Ohio Railway Company:

Orville Nealis Jr.	Leading Maintainer
W. J. May	Signal Maintainer
C. C. Christensen Jr.	Signal Maintainer
R. H. Bush	Asst. Signal Maintainer
C. W. Lemke	Signal Mtr. Helper

(Carrier's File: SB-46-N)

OPINION OF BOARD: The dispute herein is a companion dispute to that covered by Award 19369, the instant case having to do with the maintenance of the facilities at Peru, Indiana.

For the reasons stated in Award 19369, we do not find a violation of the scope or seniority rules of the C&O Signalmen's Agreement.

In its statement of claim, the Petitioner alludes to the February 7, 1965, Job Stabilization Agreement, but it does not discuss that Agreement or the application thereof in its submission. Any alleged dispute involving the February 7, 1965 Agreement is properly referable to the Disputes Committee established under that Agreement. Awards 16552, 15696, 14979.

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 Employees involved in this dispute are respectively Carrier and Employees 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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Ed Kilian
Executive Secretary

Dated at Chicago, Illinois, this 28th day of July 1972.