

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19385  
Docket Number SG-19022

Robert A. Franden, Referee

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

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Lehigh Valley Railroad Company on behalf of:

Signalmen J. Schmidinger, J. Bennett, J. Lightcap, and M. Sar; and Signal Helper G. Fech. Claim is for two (2) days' pay at their current respective rates due to violation of agreement rules on July 9 and 10, 1969.

OPINION OF BOARD: As part of the elimination of a grade crossing at South Plainfield, N.J. it was necessary to move a power switch machine some eight hundred feet. The Switch machine was mounted on timbers. Claimant signal gang disconnected the rods and wiring attached to the switch point and reconnected them at the new location. The actual moving of the switch machine was done by using a crane operated by Maintenance of Way employees. The Organization alleges a violation of the Scope rule which reads as follows:

"Preamble

Agreement between the Lehigh Valley Railroad Company and the Brotherhood of Railroad Signalmen of America covering rates of pay, hours of service and working conditions of Signal Department Employees.

"Scope

This agreement covers rates of pay, hours of service and working conditions of all employees in the Signal Department (except supervisory forces above the rank of foreman, clerical forces and engineering forces) engaged in the work of construction, installation, inspecting, testing, maintenance and repair of signals, interlocking plants, automatic highway crossing protection devices and their appurtenances, wayside cab signal, train stop and train control equipment, car retarder systems, centralized traffic control systems, shop repairing of relays, signals, switch magnets, motors, et cetera, bonding of track for signal and interlocking purposes, and all other work generally recognized as signal work.

"No employes other than those classified herein will be required or permitted to perform any of the work covered by the Scope of this agreement.

"It is understood the following classifications shall include all of the employes of the signal department performing the work described under the heading 'Scope'."

This case was presented and briefed along with Docket No. SG-19020. For the reasons set out in Award 19384 rendered in that case we will sustain the claim.

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 Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Killen  
Executive Secretary

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