

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19507
Docket Number SG-16877

Robert M. O'Brien, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Company (Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Company that:

(a) The Southern Pacific Company violated the current Signalmen's Agreement effective April 1, 1947 (reprinted April 1, 1958, including revisions) and failed and/or declined to apply the Scope Rule, which resulted in violation of Article 70, by assigning the recognized signal work of installing switch heaters to employees not covered by the Signalmen's Agreement, on power switches at Black Butte, Bodin, Andesite, Grass Lake, Pennoyer, Kegg, Mt. Hebron, and Dorris, California.

(b) Messrs. L. W. DeMoll, Signal Foreman; W. R. Anderson, Leading Signalman; C. G. Mowdy and J. L. Brown, Signalmen, be allowed eight (8) hours at their respective rates of pay for the following dates: October 11, 12, 13, 14, 15, 16, 20, 21, 22, 25, 26, 27, 28, and 29, 1965.

(c) Messrs. W. R. Anderson, Signal Foreman; C. G. Mowdy, Leading Signalman; J. L. Brown and R. Conrad, Signalmen, be allowed eight (8) hours at their respective rates of pay for the following dates: November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, and 19, 1965.

(d) Messrs. E. G. White, Signal Foreman; W. R. Anderson, Leading Signalman; C. G. Mowdy and J. L. Brown, Signalmen, be allowed eight (8) hours at their respective rates of pay for the following dates: November 22, 23, 24 and 26, 1965. (Carrier's File: SIG 152-190)

OPINION OF BOARD: The dispute arose when Carrier assigned other than signal employees to install electric switch heaters at various locations in California between October 11 and November 26, 1965.

The parties, the issues and the applicable Rules are identical to those present in Award 19506, and for the reasons stated therein the claim will be denied.

While Petitioner argued before the Board that "it was necessary to remove the rail braces from the gauge plates, and the roller spring hanger from the stock rails", the Statement of Claim is limited to the work of installing these switch heaters, hence there is no issue before us concerning rail braces or roller hangers.

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FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *E. A. Killen*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1972.