

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19508
Docket Number SG-16896

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 violates the current Signalmen's Agreement effective April 1, 1947 (reprinted April 1, 1958 including revisions) when it fails and/or declines to apply the Scope Rule, which results in the violation of Rule 70, by assigning the recognized signal work of maintaining switch heaters on power and spring switches to employees who are not covered by the Signalmen's Agreement, Black Butte, Andesite, Grass Lake, Pennoyer, Kegg, Mt. Hebron, Porris, Worden and Texum, all on the Shasta Division.

(b) Messrs. H. Turner, R. W. Tiffany, D. L. Clifford and V. H. Walker be allowed eight (8) hours each at their respective rates of pay for each calendar week beginning November 15, 1965, and continuing so long as the Carrier continues to violate the agreement by not assigning the recognized signal work of the maintenance of switch heaters at the locations shown in paragraph (a) above to employees covered by the Signalmen's Agreement. (Carrier's File: SIG 152-193)

OPINION OF BOARD: The dispute arose when Carrier assigned other than signal men to maintain switch heaters at various locations on its property.

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.

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 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

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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. Killum
Executive Secretary

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