

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19729  
Docket Number SG-17877

C. Robert Roadley, 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 and reprinted April 1, 1958, (including revisions), when it failed and/or declined to apply the Scope Rule which resulted in the violation of Rule 70, when it assigns the work of maintaining, inspecting, testing and repairing part of the hot box detector systems located west of Tucumcari, New Mexico to employees who are not covered by the Classification Rules of our Agreement.

(b) That Mr. E. F. Yandell be allowed an equivalent amount of time as that used by employees who are not covered by the Signalmen's Agreement in performing the assigned work mentioned in paragraph (a) above.

(c) That this claim continue, and apply to any employees succeeding the claimant in paragraph (b) above, on assignment of Signal Maintainer at Tucumcari, New Mexico, until the violation mentioned in paragraph (a) above ceases. (Carrier's File: SIG 152-221.)

OPINION OF BOARD: The work involved in this dispute is identical to that involved in Award No. 14279. The dispute resolved by Award No. 14279 was governed by the parties' Scope Rule in their 1947 Agreement. That Rule was revised in 1963, but insofar as the present work is concerned, we note no specific language to overturn Award No. 14279, neither do we find that award to be palpable error.

We must therefore deny this claim.

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;

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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. G. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1973.