

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19730
Docket Number SG-17878

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 (Pacific Lines) that:

(a) The Southern Pacific Company violated the current Signalmen's Agreement (effective April 1, 1947; 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, by assigning the work of maintaining, inspecting, testing and repairing part of the hot box detector systems located west of Planeport, Texas and east of Anapra, New Mexico, with companion equipment located in the Yard Masters Tower in El Paso, Texas yards, to employees not covered by the Classification Rules of our Agreement.

(b) Mr. C. E. Crumley 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) This claim continue, and apply to any employees succeeding the claimant in paragraph (b) above, on assignment of Signal Maintainer at Planeport until the violation mentioned in paragraph (a) above ceases. (Carrier's File: SIG 152-220)

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. A. Killen
Executive Secretary

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