

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20458
Docket Number SG-20406

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Louisville and Nashville Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville and Nashville Railroad Company that:

(a) Carrier violated the Signalmen's Agreement, particularly the Scope, when, commencing December 1, 1971, contractor forces were assigned or otherwise permitted to raise the bungalow (signal instrument house) located at Industrial Canal, New Orleans, La.

(b) Carrier should pay to Signal employees assigned to Gang No. 16 of the MNO&P Division, namely:

Jack Young	-Foreman
F. R. Rogers	-Lead Signalman
T. B. Rogers	-Signalman
R. L. Boutwell	-Signalman
W. L. Overstreet	-Signalman
R. F. Brooks	-Signalman
R. F. Pruett	-Signal Helper

additional time equal to 146 man hours on a prorated basis at their respective overtime rates.

[Carrier's File: G-201-14]

OPINION OF BOARD: The work complained of as having been performed by other than agreement covered employees consisted of the raising of a signal bungalow and the foundation for same.

There seems to have been no dispute on the property as to the propriety of the use of an outside crane to lift the bungalow off the old foundation and place it on the extended or raised foundation. There is likewise no dispute that the original bungalow was installed and placed on a concrete foundation by Carrier's signal forces.

On our study of the complete record and prior Awards of the Division, including Awards 11209 and 14383, involving the same Carrier, we find that the raising of the foundation for the signal case (bungalow) and the work incident to the raising of the case, with the exception of the actual lifting thereof, would properly fall within the scope of the Signalmen's Agreement. Such work according to the record, amounted to 64 hours. We will sustain the claim for 64 hours at straight time rate, to be prorated among the claimants.

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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 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

That the Agreement was violated to extent shown in Opinion.

A W A R D

Claim sustained to extent indicated in Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.