

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20559
Docket Number SG-20128

David P. Twomey, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(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 current Signalmen's Agreement, as amended, particularly the Scope, when, on May 24, 1971, at Perritt, Kentucky; on June 28 and 30, 1971, at Typo and Holt, Kentucky; and on July 12 and 13, 1971, at Busy and Krypton, Kentucky, it contracted out and/or assigned to a person not covered by the Agreement, namely, an H. Napier Construction Company employee (C. Spicer), recognized signal work of digging trenches with a backhoe for underground signal cable and holes for signal foundations in connection with rearrangement of signals on the EK Subdivision.

(b) Carrier should now be required to compensate Signalman J. B. Cahal of Signal Gang No. 26-Cincinnati Division for forty-four and one-half (44 1/2) hours at his time and one-half rate of pay for the violation cited in part (a) of this claim.

/Carrier's File: G-201-2; G-2017

OPINION OF BOARD: The dispute involves the Carrier's contracting the digging of trenches for underground signal cables and holes for signal foundations. The Petitioner contends that the work involved is generally recognized signal work.

From a review of the record in the case and prior awards of this Board involving the same parties, it is clear that the parties to the Agreement have recognized that trenching for signal cables is signal work. See Awards 11142 and 11451. In those cases the Carrier assigned a signalman to work with the operator of the machines.

We will sustain the claim for 44 1/2 hours but at straight time rate instead of at time and one-half rate.

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.

A W A R D

Claim sustained to extent indicated in Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 13th day of December 1974.