

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20598
Docket Number SG-20400

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Railway Transportation Company that:

(a) The Carrier violated and continues to violate the current Signalmen's Agreement in effect on the Missouri Division of the Chicago and North Western Ry. (formerly the Chicago Great Western), in particular the Scope, when starting November 22, 1971 the Carrier assigned and/or permitted employees of the Communications Dept. who hold no seniority and are not covered by the Agreement to relocate and transfer and tie in signal circuit wires on the Communications Dept. pole line, between M.P. 145 near Diagonal, Iowa, and continuing to M.P. 157 located near the town of Arispie.

(b) The Carrier now be required to compensate the following employees members of the signal crew, at their respective rates of pay the amount of time consumed by employees of the Communications Dept. in doing this work and continuing until the Scope Agreement is complied with. J. M. Frizer, T. E. Stirling, T. E. Engel.

/Carrier's File: 79-30-16/

OPINION OF BOARD: This dispute involves an alleged Scope Rule violation wherein Petitioner contends that Carrier caused pole-line wires of its signal facilities to be transferred from one crossarm ("field-side") of the pole to another ("track-side") by employees of its Communication Department. Petitioner maintains that such work is reserved to Signal Department employees it represents.

Carrier takes the position that the claim is procedurally defective in that Petitioner had failed to name a claimant. Moreover, Carrier expressly denies that craft lines were crossed and asserts that Petitioner failed to produce evidence of any violation during handling of the claim on the property.

Close examination of the record reveals that Petitioner did not name claimants in handling with the Carrier's highest officer, although they were named at subordinate levels. Moreover, we find no evidence of handling on the property which shows a crossing of craft lines. Petitioner's exhibit purporting to demonstrate such violation was not handled on the property and comes too late on first introduction at the Board level. Petitioner's position is accordingly without support and the claim must be dismissed.

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 not violated.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Parker
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1975.