

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20662  
Docket Number MS-20392

David P. Twomey, Referee

PARTIES TO DISPUTE: (Union Railroad Company  
(  
(The United Steelworkers of America  
( Local Union 1913

STATEMENT OF CLAIM: This is to serve notice as required by the rules of the National Railroad Adjustment Board of our intention to file an ex parte submission by August 30, 1973 covering an unadjusted dispute between our Company and the United Steelworkers of America (AFL-CIO) Local 1913.

A dispute exists as to whether or not the Carrier has the right to assign Signal Department employees to install and maintain a monitoring device at the A.S.O. Building in Duquesne, Pennsylvania.

OPINION OF BOARD: This case is brought to the Board by the Carrier, The Union Railroad, relating to a dispute between the Carrier and the United Steelworkers of America, Local 1913, concerning whether or not the Carrier has the right to assign Signal Department employees to install and maintain a monitoring device at the A.S.O. Building in Duquesne, Pennsylvania.

The record indicates that the work of installing and maintaining similar monitoring devices has been performed by electronic technicians (Signalmen) for over twenty years. This fact is undisputed by the radio technicians.

Carrier in its submission states that the employees served a Section 6 notice requesting an agreement which would provide the monitoring device at the ASO building be maintained by radio technicians in the mechanical department. Thus, the issue in this case is one for negotiation rather than interpretation of the present agreement. It is well recognized that this Board has no authority to rewrite the rules.

Based upon the record before us, we find that the Steelworkers Organization has failed to meet the required burden of proof and their claim, as set forth in the Statement of Claim, is denied. Therefore, the position of the Carrier is sustained.

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 Carrier had not violated its Agreement.

A W A R D

Position of Carrier is sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 21st day of March 1975.