

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21824  
Docket Number SG-21803

Robert W. Smedley, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Southern Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood  
of Railroad Signalmen on the Southern Railway  
Company et al.:

On behalf of Leading Signal Maintainer H. Harper, Relief Maintainers R. T. Harris and H. Steele, 3rd shift Maintainer R. Laird, and 1st Shift Maintainer L. G. Headden, all assigned to Inman Yard, for twenty-five (25) man hours at the overtime rate of pay for each of the F-4 car stop retarders Southern Railway contracts out to Southeastern Railroad Materials Co. (Carrier had received eight as of June 30, 1975 - - twelve more later). Claim filed as an open end claim to continue as long as Carrier contracts out to Southeastern Railroad Materials Co. the assembling of the F-4 car stop retarders for Inman Yard. Upon settlement of the claim the hours are to be divided equally among the claimants and is to be in addition to any pay they may have already received or due them. /Carrier file: SG-121/

OPINION OF BOARD: This dispute arose when Carrier commenced purchasing fully assembled F-4 car stop retarder systems from an outside firm, Southeastern Railroad Materials, Inc. Previously the signalmen had assembled some 45 of these systems on the property. The Brotherhood contends that Carrier supplied the parts to the outside company and the production models were contracted out in violation of the scope rule. There is no evidence to support this contention by the Union. To the contrary, the evidence is that Carrier purchased the end product of a factory. Installation on the site was done by maintenance of way and signal personnel.

Award 5044 (Carter) and recent Awards 21232 and 20926 (Sickles), among many others, enunciate the principle controlling this case. The agreement does not apply and the rights of the workers do not attach until Carrier has gained possession of an item on the property.

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

The Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of December 1977.

