NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 21976
THIRD DIVISION Docket Number SG-21966

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(The Washington Terminal Company

STATEMENT OF CLAIM: Claims of the General Committee of the Brotherhood of Railroad Signalmen on The Washington Terminal Company for work performed on signal and communications equipment and/or systems by a contractor whose employes hold no seniority or other rights under the Signalmen's Agreement (this is a combination of seven claims handled separately on the property):

Claim BRS-76-1

On behalf of A. L. Watkins and J. A. Payne on an equal basis for the contractor relocating starting lights on tracks 19 and 20 on December 3, 4, 5, 8, 9 and 10, 1975.

Claim BRS-76-2

On behalf of W. R. Matthews and C. S. Rhodes on an equal basis for the contractor relocating telephone cable 19 and 20 tracks station area on December 3, 4, 5, 8, 9 and 10, 1975.

Claim BRS-76-3

On behalf of W. R. Matthews and C. S. Rhodes on an equal basis for the contractor relocating cable from A Tower to D C office and Tower A to 30 track on December 19, 22, 23, 29, 30 and 31, 1975.

Claim BRS-76-4

On behalf of A. L. Watkins and J. A. Payne on an equal basis for the contractor relocating train starting lights from A Tower to new location foot of 31 track for 29 & 30 tracks on December 19, 22, 23, 29, 30 and 31, 1975.

Claim BRS-76-5

On behalf of C. S. Rhodes, A. L. Watkins and E. F. Horney, Jr., on an equal basis for the contractor relocating telephone cable (second cable) from A tower to 30 track via location at foot of 31 track on February 4, 1976.

Claim BRS-76-6

On behalf of C. S. Rhodes, W. R. Matthews, Jr. and E. F. Horney, Jr., on an equal basis for contractor relocating telephone cable (second cable) from A tower to 30 track via location at foot of 31 track on February 5, 1976.

Claim BRS-76-7

On behalf of M. D. Hawley, J. A. Redding, J. L. Mattiello, E. F. Horney, Jr. and W. R. Matthews, Jr., on an equal basis for the contractor relocating telephone cable (second cable) from A Tower via location foot 31 track to pole outside D C office trailer on February 10, 1976.

OPINION OF BOARD: The factual background involved in this case is exactly the same as that found in Award No. 21409 of this Division. We have carefully reviewed that Award and can find no basis on which to rule that it is erroneous in any way.

We have also carefully reviewed the record before the Board in this docket and find the same basic deficiencies as were found in the record which resulted in Award No. 21409.

Here we have eight (8) named claimants for whom Petitioner is asking that they be compensated "on an equal basis for the contractor". However, nowhere can we find how much time the contractor consumed or how much manpower he devoted to this work.

In this record we find claims for payment on dates on which at least three (3) of the claimants were on vacation - W. R. Matthews, A. L. Watkins and J. A. Payne, December 22 and 23, 1975.

In this record we find nothing more in the on property handling than the same unsupported assertions that were found in Award No. 21409. We are, therefore, compelled to conclude - as we did in Award No. 21409 - that there was a violation of the Agreement in these instances.

We are also compelled to conclude that inasmuch as Petitioner has not carried its burden of showing what would be required to compensate the claimants "on an equal basis for the contractor", we shall sustain the claim only to the extent of one call (two hours forty minutes at the straight time rate) for each of the named claimants on each date as listed in the subject, except for the vacation dates previously mentioned.

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 Employes involved in this dispute are respectively Carrier and Employes 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 the extent indicated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulus
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1978.