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NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22289
Docket Number SG-21958

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Toledo, Peoria & Western Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Toledo, Peoria & Western Railroad Company:

On behalf of Signal Maintainer Joe R. Kurtz for a call of two hours and forty minutes at the prevailing overtime rate of pay for each date account other than signal employees changing radios on the BN coal train arriving and departing Bushnell, Illinois, this to begin January 16, 1976, and to continue in accordance with Rule 701(d) of the current agreement until a correction is made."

OPINION OF BOARD: The Grievant requests payment for a call as a result of the alleged action of someone other than a signal employe changing radios on the coal train arriving and departing Bushnell, Illinois.

The record indicates that a unit coal train arrives at Bushnell, Illinois, loaded with coal from a mine in Montana, destined for a power plant at Peoria, Illinois. The movement from Montana to Bushnell is handled by the Burlington Northern. At Bushnell, the Toledo, Peoria & Western takes over the movement to the power plant at Peoria.

The T P & W returns the entire empty train to Bushnell and gives the train to the B N for return to Montana.

These B N trains are equipped with B N radios installed in the locomotive and caboose which transmit and receive only on assigned B N radio frequencies.

When the T P & W crews board the train, they carry portable Handie-Talkie Motorola FM Radios. One radio is carried by the Engineer and the other is carried by the Conductor. A clip is placed on the existing antenna and the entire set is removed when the T P & W crew leaves the train.

There is no installation involved and no dismantling involved in the carrying of Handie-Talkies on and off the train. Therefore, there is no violation of the Scope Rule in this case.

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 denied.



NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

AW. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1979.