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NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25445
Docket Number SG-24514

W. S. Coleman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (Western Lines):

On behalf of Signal Foreman A. A. Perry, Leading Signalman J. C. Holmes, and Signalmen R. E. Wierema, H. D. Williams and M. M. Martignetti for eight hours' pay each, for each day January 6, 7, 8, 9 and 12, 1981, account contractor (Rosendin Electric Company) installing PVS conduit at Wolfe Road, Sunnyvale, California.
[Carrier file: SIG 152-424]

OPINION OF BOARD: On January 6, 7, 8, 9, 12, 1981, Rosendin Electric, Inc. (an outside contractor) performed work of trenching, backfilling, and placement of a new underground six-way conduit under Carrier's track. This work was done in conjunction with a joint project conducted by the City of Sunnyvale and Carrier to construct an overpass at Wolfe Road. The Organization filed a claim on behalf of the Signalmen employed by Carrier at the location. It contended that Carrier had violated the Scope Rule of the Agreement and that the named Claimants should each be paid for eight hours on the days the contractor worked.

The issue in this case is whether Carrier, by allowing a subcontractor to install the conduit within which Signal employes later installed signal circuits for grade crossing protection, was in violation of the Scope Rule of the Agreement and whether it is to pay compensation to Signalmen.

This Board has reviewed the record and must conclude that Carrier should have used its employes to perform the disputed work but we can find no support in the record or in the Agreement to justify a payment to the Claimants.

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.

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Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May 1985.

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