

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25545  
Docket Number SG-25777

Stanley L. Aiges, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: Claim of the United General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation:

(a) Carrier violated and continues to violate the Scope of the current Signalmen's Agreement when it allowed supervisory and I.B.E.W. personnel to assemble components for, mount and install, communications equipment for a "Talk Back Communications System" at Pier 124 in South Philadelphia commencing on or about October 4, 1982.

(b) Carrier should now be required to compensate Inspector Telephone and Telegraph, R. L. Danley, Maintainers Communications H. J. Kleins and N. L. Smith, eight (8) hours of pay each for each day lost as a result of this violation and loss of work opportunity, beginning October 4, 1982, at their prevailing rate of pay until this project ends. (Carrier file No. SD-2017-C)

OPINION OF BOARD: In August, 1982, a consolidated radio and talkback intercom system was installed by the Carrier at Pier 124 in South Philadelphia, Pa. on property formerly owned by the Pennsylvania Railroad. The primary function of the equipment was to control two radios used in connection with the operation and maintenance of the pier. It also serves as an inter-office communication system ("talkback"). Two employees represented by the International Brotherhood of Electrical Workers ("IBEW") spent a total of 10 man-days on the job. Seven employees represented by the Brotherhood spent a total of 70 man-days on the job. This dispute protests IBEW's involvement in the project. IBEW was notified of this dispute, and responded.

Carrier here has steadfastly insisted that the two IBEW represented Employees were merely modifying intercom units to control two radios, one to the interface between the intercoms and the radios. It asserts that fully 80 percent of the audio flowing through the controls is radio related, and that since the interface was built primarily for radio control, it was necessary to use IBEW represented Employees classified as Radio Maintainers to perform wiring work on the interface - a type of work which Brotherhood represented Employees have never performed on the property.

Moreover, the Carrier points to the Award of Public Law Board No. 2543, which held that:

"The work of installation and maintenance of Consolidated Rail Corporation owned radio equipment does not accrue to Communication and Signal Department employees represented by the Brotherhood of Signalmen..."

The record before us does not contain sufficient contrary evidence to warrant our sustaining the instant claim. Accordingly, it must be denied.

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

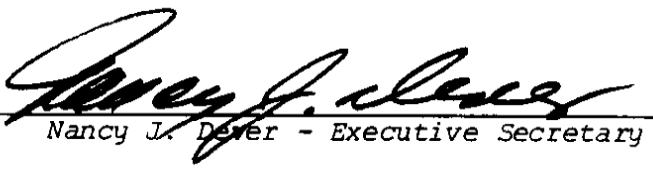
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of July 1985.

