

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Houston Belt and Terminal Railway Company

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Houston Belt and Terminal Railway Company (HBT):

Claim on behalf of K. R. Zumwalt, for payment of 45 hours of pay at his pro-rata rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly the Scope Rule, when it allowed or permitted an individual not covered by the Agreement to perform covered work on or about August 16, 1989." G.C. File 89-49-H-S. BRS file Case No. 8044-HB&T.

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant is a Reliefman Technician headquartered at the Carrier's Union Station in Houston, Texas. This dispute concerns the contracting out of the repair of electrical circuit boards.

The record demonstrates that during the period 1963 through 1971, approximately 75 percent of electronic circuit boards were returned to vendors for repair, which increased to 100 percent during the period 1971 through 1973. The record further demonstrates that during the period when circuit boards were returned to the vendors for repair, the Organization was aware of the Carrier's actions. There was no Reliefman Technician position during the period 1973 through 1989. That position was reestablished in 1989 with the intent of training successful bidders to perform a variety of electrical duties.

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Given the above history and further given that Rule 104 states that the Reliefman Technician "does not have exclusive rights to these duties" and further considering that the record discloses that Claimant was assigned to his present position with the intent of training him to perform repairs on vital equipment (such as the circuit boards at issue), we cannot say that the Organization has carried its burden.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of January 1992.