

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30722
Docket No. SG-30957
95-3-92-3-847

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(Union Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen:

Claim on behalf of the senior available relay repairman employed at the Consolidated Signal Shop at Pocatello, Idaho, for payment of 32 hours at the straight time rate account Carrier violated the current Signalmen's Agreement, particularly Rule 1 (Scope), Rule 2 (Classifications), Rule 20 (Seniority Districts) and Appendix 11, when it allowed or permitted employees not covered by the Agreement to perform the work of wiring a signal equipment house from August 5, 1991 through August 8, 1991."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

The instant claim involves invocation by Carrier of the February 7, 1965 Mediation Agreement between the Parties. It is not a case of first impression. Similar claims were presented in Awards 52 and 56 A, B, & C, on Public Law Board No. 4716, involving these same parties. Nothing in this case distinguishes it from the prior cases. In Award 52 the Board held:

"While prompt resolution of disputes before Public Law Boards is the ultimate goal, such resolution may not be made at the expense of adherence to proper procedural and jurisdictional considerations. Accordingly, the Board finds that, until the ancillary dispute over the Parties' interpretation of the February 7, 1965 Agreement is resolved, we must defer to the procedures described in 'Article VII - Disputes Committee' of that Agreement. Should this matter return to the Board once the Disputes Committee's decision has been rendered, the Board willproceed with a determination of the merits of the case under the current Agreement between the Parties."

AWARD

Claim dismissed.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 31st day of January 1995.