

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32135
Docket No. SG-32862
97-3-96-3-220

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: (
(CSX Transportation, Inc. (former Louisville &
(Nashville Railroad Company)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville & Nashville Railroad:

Claim on behalf of B. J. O'Bryan, E. T. Tyler and R. D. Snellen for payment of 32 hours each at the straight time rate, account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule, when it utilized other than covered employees to wire and construct highway crossing signal equipment, and deprived the Claimants of the opportunity to perform this work. Carrier's File No. 15(95-191). General Chairman's File No. 95-SYS-100. BRS File Case No. 9694-L&N."

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 were given due notice of hearing thereon.

The Carrier purchased and used pre-wired and pre-assembled signal equipment from a vendor, Burco. This claim followed.

It has long been held that the purchase and use of such pre-fabricated equipment does not violate the Scope Rule. See e.g., Third Division Awards 32058, 32057, 28276, 21232, 20926, 20414, 13703; Public Law Board No. 1719; Public Law Board No. 2044, Award 4; Public Law Board No. 1499, Award 1.

AWARD

Claim denied.

ORDER

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 13th day of August 1997.