

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34044
Docket No. SG-34514
00-3-98-3-154**

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

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

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad (UP):

Claim on behalf of L. A. Herek for payment of 1.5 hours at the time and one-half rate, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it used a non-covered employee to repair a signal system radio on September 5, 1966, and deprived the Claimant of the opportunity to perform this work. Carrier’s File No. 1040028, General Chairman’s File No. 60016883, BRS File Case No. 10545-UP.”

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.

As Third Party in Interest, the International Brotherhood of Electrical Workers was advised of the pendency of this dispute and filed a Submission with the Board.

This dispute arose, according to the BRS, "when Carrier used a Communications Department employee to repair a MDS radio that had been removed from the signal system at Grove, Kansas, and sent to the shop at Council Bluffs for repair." The BRS argues that this repair should have been performed by BRS represented employees.

The Carrier notes it maintains a centralized Telecommunication Service Center in Council Bluffs, "staffed by IBEW represented employees and [which] performs the radio repair work for the Carrier's entire system." The Carrier also maintains a separate facility in Council Bluffs, staffed by BRS represented employees, for signal circuit board repair and related work, but not for radio repair.

The BRS and the IBEW both argue that their Scope Rules entitle them to the work in question. The BRS relies in part on Public Law Board 4716, Award No. 79, which supports BRS installation of MDS radios in signal systems. This Award cannot be read to include repair of the radios.

Review of the Scope Rules and their interpretation leads the Board to the conclusion that the repair of a multi-purpose MDS radio was properly assigned to other than a BRS represented employee.

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 25th day of May, 2000.