

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36342
Docket No. SG-36351
02-3-00-3-540**

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(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 (C&NW):

Claim on behalf of D. E. Beck for payment of three hours at the straight time rate, account Carrier violated the current Signalmen’s Agreement, particularly Article I, of the February 1, 1983, Memorandum of Agreement, when on June 3, 1999, it allowed a District Signal Foreman to perform signal work of making wiring tags at Mile Post 132.9 and deprived the Claimant of the opportunity to perform this work. Carrier’s File No. 1200397. General Chairman’s File No. 9cma2009.2. BRS File Case No. 11360-C&NW.”

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 Claimant was regularly assigned to a position of Signal Maintainer at Tama, Iowa. He was on duty and under pay when on June 3, 1999, a District Signal Foreman was overseeing the work being performed by two Signal Maintainers at M.P. 132.9. A portion of the work being performed by the Signal Maintainers consisted of writing identification tags which were then attached to the various wires being installed. At the specific request of one of the Signal Maintainers at the job site, the Foreman wrote the tags that were applied to the wiring.

From a review of this case file it is clear that the claim as presented must be denied. The Foreman performed no service that was outside of the scope of his job classification. The Foreman performed the disputed work at the personal and specific request of the Maintainers who were performing the required signal work.

There has been no showing by the Organization that the miniscule performance of writing identification tags is work that is exclusively reserved to Signal Maintainers to the exclusion of the Foreman.

Therefore, this claim is denied.

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 26th day of December 2002.