

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36376
Docket No. SG-34745
03-3-98-3-416**

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: (
(Consolidated Rail Corporation**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (Conrail):

Claim on behalf of L. W. Kramer and M. S. Leister for payment of 56 hours each at the straight time rate, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it used non-covered employees to install equipment for a sliding wheel detector at Mile Post 240.7 in February of 1997 and deprived the Claimants of the opportunity to perform this work. Carrier’s File No. SG-969. General Chairman’s File No. RM2995-01-0697. BRS File No. 10681-CR.”

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 chose to file a Submission with the Board.

In February 1997, the Carrier assigned IBEW-represented employees to install a monitoring and recording device for a sliding wheel detector at Alto Tower. The sliding wheel detector system is used to detect sliding wheels caused by sticking brakes and brake tread build up via an infra red heat detection unit. The equipment was connected to the Automatic Equipment Identification System ("AEI") for the Carrier's trains traveling down the mountain at Altoona, Pennsylvania. Previously, the detection work was performed by TCU represented employees by visual and auditory inspection.

The Organization failed to show that the disputed work was connected to the signal system. The record shows the work was connected to AEI. The Organization has therefore not shown in this case that the disputed work was scope covered.

The claim shall therefore be 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 18th day of February 2003.