

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37016
Docket No. SG-36970
04-3-01-3-577

The Third Division consisted of the regular members and in addition Referee Francis X. Quinn 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 Company:

Continuing claim on behalf of E. M. Lang for payment of the difference in the rates of pay between an Electronic Technician and a Signalman. Account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule and the Classification Rule, when beginning in August of 2000 and continuing, Carrier failed to allow the Claimant to install cell phone back up systems on the Council Bluffs Subdivision from MP 00.0 to MP 40.0. Carrier's File No. 1246997. General Chairman's File No. Nscope-119. BRS File Case No. 11763-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.

The Claimant was assigned to the position of Signalman on Gang 5107, located in Omaha, Nebraska. His claim alleges that the Carrier utilized a Maintenance Foreman and a Lead Signalman to perform work reserved to Electronic Technicians, namely the installation of an electronic dial-up system.

The Organization failed to demonstrate that the Carrier is obligated to assign the installation of new cell phone back up systems to Electronic Technicians. In fact, the record indicates specific instances where the work was done by other classifications. We have previously held that when there is a jurisdictional question between the employees of the same craft, represented by the same Organization, the burden of establishing an exclusive right to the work in question is even more heavily on the Petitioner. See Third Division Awards 13083, 13198, 20425, and 21495.

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 May 2004.