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**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37098
Docket No. SG-36981
04-3-01-3-563

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:

Claim on behalf of J. R. Walker, L. M. Sorensen, S. C. Suhl, R. E. Countryman, P. J. Hennessy, and C. D. Miller for payment of 140 hours at the straight time rate. Account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule, when on June 24, 2000, Carrier allowed an outside contractor (Science Application Int'l Corp “SAIC”) to install an AEI site at MP 364 on the Blair Subdivision in Fremont, Nebraska. Carrier's action deprived the Claimants of the opportunity to perform this work. Carrier's File No. 1246449. General Chairman's File No. Nscope-101. BRS File No. 11764-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.

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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 Claimants are Signal Department employees, and the dispute developed with the installation of an Automatic Equipment Identification (AEI) system on the Blair Subdivision in Fremont, Nebraska. The record indicates that AEI sites are a communication function that is not covered in the Scope Rule, and Signal Department personnel do not have an exclusive right to the work. Past practice supports this indication. The Organization has not met its burden of proof. This claim must 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 21st day of July 2004.