

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37219
Docket No. SG-37257
04-3-02-3-144

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 R. W. Shults, M. A. Duffee, and B. E. Lee, for 18 hours each at their respective straight time rates and continuing until this dispute is resolved. Account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it purchased B1 relay racks from an outside vendor instead of producing the racks in the Sedalia Signal Shop, depriving the Claimants of the opportunity to perform this work. Carrier’s File No. 1258244. General Chairman’s File No. S-SR, 5-12-144. BRS File Case No. 11925-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 Scope Rule does not mention the fabrication of relay racks. See Third Division Awards 21824, 28879, 29208, and 33472. The Organization has not established that the purchase of B1 relay racks violates the Scope Rule. The 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 28th day of September 2004.