

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43445
Docket No. SG-44503
19-3-NRAB-00003-170649**

The Third Division consisted of the regular members and in addition Referee Paul Betts 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:

Claim on behalf of C.F. Antonio, K. Boatright, D.E. Goforth, J.J. Perez, J.C. Quirarte and A.J. Watson, for 2040 hours at the their respective time and one-half rates of pay to be divided equally among them, account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule and Rule 65, when from March 21 , 2016, until May 5, 2016, Carrier permitted contractors to install cable trunking and signal appurtenances used exclusively for signal cable at Colton Hump Yard in Colton, California, thereby causing the Claimants a loss of work opportunity. Carrier's File No. 1659679. General Chairman's File No. UPGCW-Scope Rule-65-0333. BRS File Case No. 15700-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.

In the instant claim, the Organization alleges from March 21, 2016 – May 5, 2016, the Carrier violated the Agreement when it permitted contractors to install cable trunking and signal appurtenances used exclusively for signal cable, causing the Claimants a loss of work opportunity.

The Organization argues a) the installation of trunking is scope-covered, b) the “boring” awards cited by the Carrier have no applicability to the instant dispute, c) the Carrier’s claim that the trunking will also be used for telecommunication department lines is irrelevant, as the current purpose is to house signal cable, and the Carrier did not provide any support of its assertion of future use by the telecommunications department, d) although the Carrier asserts the disputed work is not scope-covered and maintains others have performed the work, they failed to provide any documentation to support their position.

The Carrier argues a) the work was a mixed-use project which was performed to house and benefit both signal department and telecommunications department cables/fiber optic lines, b) the contractor did not handle and/or connect the signal cables, nor otherwise impact the signal system, c) the trunking channel project is no different than the “boring” projects which the Third Division has unanimously held is not scope-covered work, d) the Carrier has an established mixed practice of using its own forces and/or contract forces for trunking channel projects, e) the Organization failed to meet its burden, and f) the claim is excessive and creates a windfall for the Claimants..

The record reveals that the contracted trunking work here was a mixed-use project to house both signal and telecommunication department cables/fiber optic lines. The Carrier provided the Board with a number of decisions from the Third Division supporting its right to have an outside contractor perform trunking work designed to house different types of cables/lines that would benefit several Carrier departments (see Third Division Awards 43152, 43177, 43178, 43179, 43180, 43185, 42566, and 42568). Such is the case here. The Board is not inclined to deviate from these reasoned decisions. Based upon a thorough review of the record, the Board finds the Organization failed to meet its burden, and the claim must be denied.

Although the Board may not have repeated every item of documentary evidence, nor all the arguments presented, we have considered all the relevant evidence and arguments presented in rendering this Award.

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 1st day of March 2019.