

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45426
Docket No. SG-48305
25-3-NRAB-00003-240052**

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: (
(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 A. Birdsong, B. Hoolihan, B. Phillips, and C. Powell, for 30 hours each at their overtime rate of pay; account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule and Rule 65, when it permitted contractors to perform the scope-covered work of pre-wiring and pre-assembling the highway grade crossing equipment received by the Claimants on April 4, 2023, at Mile Road, M.P. 17.49, on the Chester Subdivision, thereby causing the Claimants a loss of work opportunity. Carrier’s File No. 1786121, General Chairman’s File No. S72-SR-399, BRS File Case No. 6358, NMB Code No. 312 - Contract Rules: Scope.””

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 dispute in this case is over the Organization's contention that the Carrier improperly contracted out scope-covered work. The work that was performed by the contractor (Idaho & Sedalia Railroad Company) was "... to assemble all associated parts of the signal crossing equipment prior to shipping the material for the project". Organization Submission at 4; Organization Exhibit 1 at 7-10. Scope covered employees performed the equipment installation. The pre-assembly of the equipment is at issue.

This Board addressed a similar dispute in Third Division Award 45424 denying the Organization's claim:

"The Carrier has the right to purchase finished products." Third Division Award 36765 between the parties (and awards cited). See also, Third Division Award 32135:

The Carrier purchased and used pre-wired and pre-assembled signal equipment from a vendor, Burco. This claim followed.

It has long been held that the purchase and use of such pre-fabricated equipment does not violate the Scope Rule. See e.g., Third Division Awards 32058, 32057, 28276, 21232, 20926, 20414, 13703; Public Law Board No. 1719; Public Law Board No. 2044, Award 4; Public Law Board No. 1499, Award 1."

The same rationale requires the denial of this claim.

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 13th day of February 2025.