

NATIONAL RAILWAY LABOR CONFERENCE

1225 CONNECTICUT AVENUE, N.W., WASHINGTON, D. C. 20036/AREA CODE: 202 — 659-9320

CHARLES I. HOPKINS, Jr. Chairman

ROBERT BROWN, Vice Chairman

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T. F. STRUNCK, Administrator of Disputes Committees

June 10, 1977

Mr. Irwin M. Lieberman
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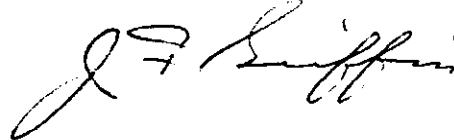
Mr. Robert M. O'Brien
27 School Street
Boston, Massachusetts 02108

Mr. Nicholas H. Zumas
Suite 505
1140 Connecticut Avenue, N.W.,
Washington, D. C. 20036

Gentlemen:

There is attached copy of Award No. 410, dated June 6, 1977, rendered by Special Board of Adjustment No. 605 established by Article VII of the February 7, 1965 National Agreement.

Yours very truly,



cc: Chairman - Employees' National
Conference Committee (10)

Messrs:

C. J. Chamberlain
M. B. Frye
W. W. Altus, Jr.
Fred J. Kroll
E. J. Neal
S. G. Bishop
H. C. Crotty
R. W. Smith
✓ J. J. Berta
R. K. Quinn, Jr.
W. F. Euker
T. F. Strunck

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES
TO THE
DISPUTE:

Louisville & Nashville Railroad Company
and
Brotherhood of Railroad Signalmen

QUESTION
AT ISSUE:

"Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville & Nashville Railroad Company:

On behalf of the ten senior signal employees holding seniority on the Atlanta Division for their hourly and monthly overtime (time and one half) rate, beginning July 10, 1975, and continuing for as long as Seaboard Coastline Railroad signal employees perform signal work on L&N property. This claim, account seven SCL Signalmen (1 foreman, 2 signalmen, 4 assistant signalmen) stringing signal wires on L&N poles, from ACL connection at Tilford Yard to main office building, a distance of about 2 miles. Also one leading signalmen and two signalmen (SCL employees) performing signal work installing relay racks in main office building in preparation for CTC machine; this claim to include the CTC machine, cables, wires and associated circuits, when installed, if these circuits and the CTC machine are installed by SCL signal forces."

OPINION OF
THE BOARD:

This dispute involves two component companies of what are known as "Family Lines System" which is composed of five railroads, the SCL, L&N, Georgia, Clinchfield and West Point route. The five carriers operating in the proximity of Atlanta planned and implemented a program to coordinate certain operations in Atlanta. As a result there were in fact, two coordinations under the Washington Job Protection Agreement, one involving clerical employees and the other involving shop craft employees. As part of this activity a former L&N facility known as the "Marietta Building" was converted into a transportation center in Atlanta for the use of the five railroads.

The claim herein, involves SCL signalmen installing SCL cross arms on poles owned by the L&N and stringing SCL wire for a distance of about 2 miles between the SCL Howell Yard and the Marietta Building. SCL employees also installed relay racks and necessary connections for their CTC machines in the Marietta Building. It must be noted that the SCL employees have not alleged that a coordination has been effected at Atlanta. It also must be noted that the record indicates that none of installations performed by SCL employees was for L&N use or benefit. It was all work for the exclusive use of SCL Rail-

road.

The crux of this dispute is whether or not there was a coordination under the terms of the Washington Job Protection Agreement. Section 2 (a) of that Agreement defines coordination as follows:

"The term coordination as used herein means joint action by two or more Carriers whereby they unify, consolidate, merge or pool in whole or in part their separate Railroad facilities or any of the operations or services previously performed by them through such separate facilities."


The record herein indicates that the L&N poles on which the SCL lines were strung were constructed initially by the Communications Department employees. Those employees' Agreement specifically recognized Carrier's right to grant attachment rights on those poles. Carrier alleges, and the record contains no contradiction, that it had granted the SCL attachment rights for the purpose of stringing the signal code wires and those wires were installed exclusively for the SCL's use and purposes. Further, the record indicates, that the second issue involving the CTC machine installation does not involve any equipment, even prospectively, for the use of L&N Railroad performed by SCL employees. The record also indicates that the granting and obtaining of attachment rights is common practice on this Railroad's property.

The Washington Job Protection Agreement must be strictly construed as indicated by its own language. It is limited in terms of coordination to changes in employment as defined in that Agreement. The granting of attachment rights similar to the granting of trackage rights by one carrier to another does not meet the definition of coordination. Two other elements of this dispute must be noted as well. One is that in the presentation to this Board, there has been no indication that the signal employees named have been adversely affected by the activities of the SCL signal employees. Second, the processing of this claim on the property lends considerable credence to Carrier's argument that it was processed as a time claim or penalty claim under the schedule Agreement rather than an alleged violation of The Washington Job Protection Agreement. It is quite clear that this Board is not empowered to handle claims of alleged violation under the schedule

Agreement. In view of that fact, plus the obvious conclusion that there has been no coordination in this dispute, the Board has no jurisdiction over this matter and it must be dismissed.

AWARD

There has been no coordination under the WJPA and the Committee is without jurisdiction to consider alleged violations of the schedule Agreement. The claim must be dismissed.



I.M. Lieberman - Neutral Member

Washington, D.C.
June 6, 1977