

Award No. 12992
Docket No. TE-11687

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Levi M. Hall, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
PACIFIC ELECTRIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Pacific Electric Railway, that:

1. The Carrier violates the parties' agreement at Inglewood, California when, on October 24, 1958, it issued instructions removing from the scope of said agreement the work of signing bills of lading and waybilling carload shipments, and related work outside the assigned hours of the agent, Monday through Friday, and on Saturdays and Sundays (rest days of claimant) and on holidays, by assigning said work to conductors and to employees not covered by the agreement at another station.

2. The Carrier shall, because of the violation set out above, commencing January 3, 1959 and so long thereafter as the violation complained of continues, compensate E. Cook, the regularly assigned agent at Inglewood, and/or his successor, one special "call" for each violation. The number of such violations are to be determined by a joint check of the Carrier's records.

EMPLOYES' STATEMENT OF FACTS: There is in evidence an Agreement by and between the parties to this dispute effective August 1, 1955 (except as otherwise indicated) and as amended.

Addendum No. 1 is the Wage Scale. Listed in the Wage Scale is the Agent's position at Inglewood, California. This same listing appears in the first Agreement between these same parties effective September 16, 1934. During the period in which this agency has been subject to a collectively bargained agreement, the Agent at this one-man station has performed all of the work in connection with the signing of bills of lading and the waybilling of shipments both inside and outside of his assigned hours, including such work arising on Saturdays, Sundays, and holidays, at his station.

The Carrier maintains freight lines in Southern California, with Redlands, California the eastern terminus. The Carrier's lines link most of the important cities of southern California, into a network of railroad operation serving this industrialized area.

OPINION OF BOARD: This case is between the same parties as involved in Award 12991 where precisely identical issues were presented and determined.

Nothing could be contributed by any further discussion of the issues.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of October 1964.