

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David H. Brown, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE BELT RAILWAY COMPANY OF CHICAGO

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5709) that:

(1) The Carrier violated and continues to violate rules of the current Clerks' Agreement when beginning on or about June 3, 1963, it arbitrarily removes three (3) hours of work per day, consisting of the pick up and delivery service of Recordak films, from the scope of the Clerks' Agreement and contracts the performance of same to the Armored Carrier Corporation.

(2) Carrier shall be directed by appropriate order to restore the work to employees entitled to perform it under the provisions of the Clerks' Agreement.

(3) Mr. Patrick Powers, Mr. Ronald West and/or their successors, if any, who normally would perform the work in question, shall be allowed three (3) hours pay per day, at the applicable rate of the position to which the work is normally assigned, beginning with July 1, 1963 and continuing [sic] until the work is restored to employees covered by the Clerks' Agreement.

EMPLOYEES' STATEMENT OF FACTS: Prior to the date of the instant dispute and for well over a quarter of a century, or some thirty (30) years to the knowledge of the undersigned, work in connection with the pick up and delivery of Recordak films, has been consistently performed by an employee in the Auditor's Office, namely, a Record Room Attendant and File Clerk, assigned five days each week with Saturday and Sunday rest days and has been an integral part of this assignment and generally recognized as work peculiar to this position. (Employees' Exhibit No. I.)

On or about the effective date of this dispute the employees in the Carrier's Auditor's Office, Dearborn Station, were required to report for work on their respective positions at a new General Office building constructed at Clearing and all work formerly performed by the incumbents of positions in the Auditor's

Claimant West was employed as a Clerk in the Clearing Station Agency on May 6, 1962. He was transferred to the Auditing Department at Dearborn Station (another Seniority District) and assigned to the position of Record Room Attendant and File Clerk on August 20, 1963 and remained on that position until October 23, 1963. After that date he held other positions until March 15, 1965 when he entered military service. During the time he held this position it was located at Clearing and the handling of film between Dearborn Station and 1712 South Prairie Avenue was not a part of that assignment.

Claimant Powers held the Record Room Attendant and File Clerk position at Dearborn Station from September 17, 1962 to June 3, 1963, when the office was moved to Clearing. He also held that position at Clearing from June 3, 1963 until July 1, 1963. On that date he bid for and was assigned to another position on which he remained continually to the present date (March 26, 1965). The position of Record Room Attendant and File Clerk has since July 1, 1963 been filled by several other employees.

OPINION OF BOARD: On or about June 3, 1963, Carrier transferred all employees in Carrier's Auditor's Office, Dearborn Station to its new general office building at Clearing. Contemporaneous with the move Carrier contracted out to Armored Carrier Corporation the service of pick up and delivery of Recordak films. Both before and after June 3rd the films originated at Clearing. Before June 3rd they were taken to Dearborn by a Chauffeur, being delivered to the Auditor's Office where it became the task of an employee of that office to handle delivery to the Kodak plant for processing and pick up at Kodak for return to Dearborn. This had been the practice for approximately 30 years, the work being done exclusively by such an employee covered by the Clerks' Agreement. Bulletin No. 874 issued August 28, 1962 designated, among other duties for Record Room Attendant and File Clerk Job No. 528, the "Pick up and delivery service in connection with Recordak films . . ."

The claim originated on the property on behalf of "R. West, P. Powers etc., effective with the date of July 1, and continuing so long as the violation continues. . . ."

Powers voluntarily left Job No. 528 on July 1; hence no claim can be sustained on his behalf. West worked at the position from August 20, 1963 to October 23, 1963. For such period the claim will be sustained on his behalf.

Viewing the record as it was developed on the property we find Carrier did not challenge Claimants' assertion that the disputed work amounted to 3 hours per day. In the absence of such challenge we must assume the assertion is true and handle the claim accordingly.

Carrier raises the issue of identification of employee claimants. We have already delineated the rights of the named claimants. We further hold that the "etc." and other language following the names set forth in the original claim adequately advised Carrier that the claim was a continuing one made on behalf of successor employees. Carrier's Ex Parte Submission states "The position of Record Room Attendant and File Clerk has since July 1, 1963 been filled by several other employees." Certainly Carrier is in position to identify the successors, but, in any event Carrier can not defend a violation on the ground that individual claimants are difficult, or even impossible, to identify. See our Award 10690 [Mitchell] and awards cited therein.

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 violated.

AWARD

Claim sustained in conformity with Opinion.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 10th day of November 1966.