

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19434
Docket Number TE-18362

Joseph E. Cole, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(Formerly Transportation-Communication Division, BRAC)

PARTIES TO DISPUTE:

(
(Lehigh Valley Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of TC Division, BRAC, on
the Lehigh Valley Railroad, that:

1. The Lehigh Valley Railroad (Carrier) violated our current Agreement when it failed to call claimant, W. E. Richards, on duty at Cementon Station, to perform work of our craft that was performed by men of another craft.

2. The Carrier violated Rule 1 (Scope) listing the various classifications of work and gives us the right to perform the work that goes with those classifications.

3. The Carrier violated Rule 13 in not calling claimant, therefore, as a result the Carrier is required to pay claimant a call, three hours at the pro rata rate of claimant's assignment.

OPINION OF BOARD: 1. Exclusivity is not required when the issue is decided on Rule 7, Section 1 (n).

2. The current work is required by the Company to be performed on a day which is not a part of any assignment, and it may be performed by an available extra or unassigned employee who will otherwise not have forty hours of work that week; in all other cases, by the regular employee.

3. The record does not show that there were any other extra on unassigned employees who did not have a forty hour work week that week.

4. The Claimant, who regularly did this work, should have been called to do this work under the unassigned days rule.

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;

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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 has been violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. G. Kellum
Executive Secretary

Dated at Chicago, Illinois, this 17th day of October 1972.