

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19476
Docket Number TE-18030

Frederick R. Blackwell, Referee

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

PARTIES TO DISPUTE: (
(Southern Pacific Company (Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Southern Pacific Company (Pacific Lines) that:

1. Carrier violated the terms and intent of the current T.C.U. Agreement on November 11, 1966 at Los Angeles, California, when it required or permitted a clerk in the Tracing Bureau, Los Angeles, to perform work in connection with telephoning a communication of record (car tracing) between the Car Tracing Bureau, Los Angeles, and the agent-telegrapher at Tempe, Arizona.

2. Claim in behalf of the senior available qualified extra PMO operator at "HU" General Telegraph Office, Los Angeles, California, for a two (2) hour special call at the minimum PMO rate, and if no extra available then compensate the senior regular assigned PMO operator at "HU" General Telegraph Office who is observing a rest day for a two (2) hour special call for November 11, 1966.

The senior qualified extra PMO being W. Sorrels, and the senior regular assigned PMO observing a rest day being R. M. Gormley.

OPINION OF BOARD: This Claim is brought under the Scope Rules of the Agreement between Carrier and Organization dated December 1, 1944 and Reprinted October 15, 1963, including Revisions. It is contended that the disputed communications work belongs to the employees under the agreement, but was performed by a Clerk in the Car Tracing Bureau, Los Angeles, who is not covered by the Agreement.

FACTS OF RECORD

The disputed communication took place at 9 A.M., November 11, 1966, between a Clerk in the Car Tracing Bureau, Los Angeles and the Agent-telegrapher at Tempe, Arizona. The communication is as follows:

"Clerk, Tracing Bureau, LA: This is LA Tracing. I am looking for a car going to Peterson. It is SFRE 29292 out Tucson 2 PM 3rd.
Agent, Tempe: Yes, it will be out today.
Clerk, Car Tracing Bureau, LA: Has it been there since the 4th?
Agent, Tempe: Yes, arrived 4th.

"Clerk, Car Tracing Bureau, LA: What time will it leave?
Agent, Tempe: About 5 PM.
Clerk, Car Tracing Bureau, LA: Will it make connection with LA train?
Agent, Tempe: Yes.
Clerk, Car Tracing Bureau, LA: Is it for Barker Foundry?
Agent, Tempe: Yes."

After timely filing of claim on the property, issue was joined on whether the disputed work is reserved exclusively to the complaining employees or whether such work may be performed by Clerks as a normal incident to their regular duties. In the submissions before the Board, the parties cite awards in support of their respective positions. Carrier has made no attempt to distinguish the car tracing message involved in this claim from car tracing messages involved in various claims that were sustained by Special Board of Adjustment 553 (same parties and agreement).

RULINGS ON PETITIONER'S CONTENTIONS

Prior awards involving these parties and similar issues support a conclusion that the type of work here involved is reserved exclusively to the complaining employees. The claim, therefore, will be sustained.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

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