

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19491
Docket Number TE-17460

Arthur W. Devine, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
((Formerly Transportation-Communication Employees Union
(The New York, New Haven and Hartford Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on The New York, New Haven & Hartford Railroad, that:

CLAIM NO. 1

(a) Carrier violated the Agreement between the parties when on September 6, 7, 9, 12, 13, 14, 16, 20, 23, 26, 27 and 28, 1966, it required or permitted employees not covered by the Agreement (Conductors of Train NX-18) to perform block operator work of clearing the block at Plainville, Connecticut, a station where a telegrapher was employed and available to be called to do the work.

(b) Carrier shall pay Mr. J. T. Carrah, Ticket-Agent-Operator at Plainville, Connecticut, a call, two hours at time and one-half for each violation. Twelve (12) calls.

Railroad Docket 10568 - BU 12412-29

CLAIM NO. 2

(a) Carrier violated the Agreement between the parties when on August 8, 9, 11, 12, 16, 18 and 19, 1966 it required or permitted employees not covered by the Agreement (Conductors of Train NX-18) to perform block operator work of clearing the block at Plainville, Connecticut, a station where a telegrapher was employed and available to be called to do the work.

(b) Carrier shall pay Mr. J. T. Carrah, Ticket-Agent-Operator at Plainville, Connecticut, a call, two hours at time and one-half for each violation. Nine (9) calls.

Railroad Docket 10569 - BU 12411-29

CLAIM NO. 3

(a) Carrier violated the Agreement between the parties when on August 22, 24, 25, 26, 29, 30 and September 1, 1966, it required or permitted employees not covered by the Agreement (Conductors of train NX-18) to perform block operator work of clearing the block at Plainville, Connecticut, a station where a telegrapher was employed and available to be called to do the work.

(b) Carrier shall pay Mr. J. T. Carrah, Ticket-Agent-Operator at Plainville, Connecticut, a call, two hours at time and one-half for each violation. Seven (7) calls.

Railroad Docket 10574 - BU 12504-29

CLAIM NO. 4

(a) Carrier violated the Agreement between the parties when on August 1, 2, 3 and 5, 1966 it required or permitted employees not covered by the Agreement (Conductors of train NX-18) to perform block operator work of clearing the block at Plainville, Connecticut, a station where a telegrapher was employed and not available to do the work.

(b) Carrier shall pay Mr. J. T. Carrah, Ticket-Agent-Operator at Plainville, Connecticut, a call for each violation. Four (4) calls.

Railroad Docket 10575 - BU 12505-29

OPINION OF BOARD: The issues involved herein, with the same parties, has been before this Board a number of times, a number of the prior awards involving the same location as involved herein, Plainville, Connecticut. See Awards 17501, 17503, 17504 and 17505, in which some of the claims involved Plainville. For the reasons given in those awards, which we do not find to be palpably erroneous, involving the same location, the claim herein will be sustained. See also Awards 13696 and 6800 involving the same parties.

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;

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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.