

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25997
Docket Number CL-26015

Marty E. Zusman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employes
(Chicago and Western Indiana Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-9939) that:

1. Carrier violated the effective Telegraphers' Agreement when, on October 6 and 14, 1983, it permitted outsiders to perform agency work reserved to employes covered thereby;

2. Carrier shall now compensate Agent R. V. Janutis for four (4) hours' pay at the time and one-half rate of Position 81-1 for each of dates October 6 and 14, 1983, which is in addition to any other earnings already paid for such dates."

OPINION OF BOARD: The merits of the instant case depend a fortiori on the Organization's claim of a Scope Rule violation, already heard and determined before this Board in Award No. 25996.

In that case by reference, as in this, the Board finds that Carrier has violated the Scope Rule of the Agreement. For the reasons stated in Award No. 25996, we find that the Claim is sustained.

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 Employes involved in this dispute are respectively Carrier and Employes 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

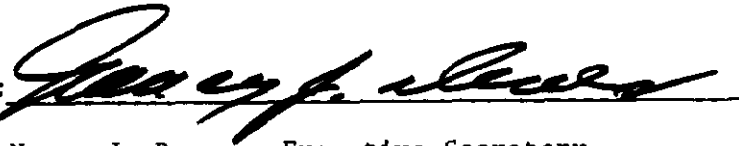
That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of March 1986.

