

The Third Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10057) that:

1. Carrier violated and continues to violate the effective Clerks' Agreement when, on or about September 17, 1984, it removed work from the scope thereof and thereafter required and/or permitted employees of another carrier to perform such work;

2. Carrier shall now compensate the senior off-duty computer operator for eight (8) hours' pay at the time and one-half rate of his/her position for September 17, 1984, and for each and every day thereafter that a like violation occurs."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On October 26, 1984, a claim was filed by the Organization on the grounds that the Scope Rule of the Agreement had been violated "...on September 17, 1984, and each and every day thereafter" when the Carrier discontinued processing data in connection with car accounting. Although this claim differs in its particulars from an earlier one filed by the Organization which was subsequently heard by this Board and decided by Third Division Award 27191, it is the position of the Board, after studying the record of this case and comparing it with that earlier one, that the issues to be resolved are comparable and that the Board's rationale and Award in that earlier case can

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88-3-85-3-706


serve as precedent. In this case, as in the earlier one, the parties discuss claims and counterclaims relative to the applicability of the February 23, 1983 Coordination Agreement to the instant case and the precedential value of Award Number 427 emanating from Special Board of Adjustment 605. The Board's position on this matter is also outlined in Third Division Award 27191 and that position is incorporated herein by reference.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer Executive Secretary

Dated at Chicago, Illinois, this 20th day of July 1988.