

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Clement P. Cull, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYES
(Formerly The Order of Railroad Telegraphers)**

SOUTHERN PACIFIC COMPANY (Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific Company (Pacific Lines), that:

1. Carrier violated and continues to violate the Agreement between the parties when on November 19, 23, 24, 26, 27, December 1, 2, 3, 4, 1962 and subsequent dates, work belonging to employees covered by the Telegraphers' Agreement was removed from the Agreement and clerical employees not covered by the Agreement were required or permitted to perform wire chief work in the form of patching telephone circuits at the switchboard, Richmond Station.

2. (a) Carrier shall compensate the employees listed below for one special call each at the minimum telegraphers' rate of pay on the division for the dates specified:

K. P. West, November 19, 1962,
D. E. Marcus, November 23, 1962,
F. Capers, November 24, December 1, 2, 1962,
J. E. Wentz, November 26, 1962,
W. A. Anklam, November 27, December 4, 1962,
J. V. Haas, December 2, 1962,
J. F. Fahnhorst, December 2, 1962;

In the event one or more of the foregoing named claimants were not available because of working, etc., the next senior available employees shall be compensated on that day or days.

(b) On each date subsequent to December 4, 1962 on which such violations occur, the Carrier shall compensate the available telegraphers as provided by the applicable rules.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective December 1, 1944, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

telegraphers * * *," on the basis that unnamed claimants on unspecified dates of occurrence did not constitute a valid claim; Also that the work in dispute was not allocated exclusively to an employee covered by the Telegraphers' Agreement, but on the contrary had also been performed by clerks and others throughout the life of the current agreement and many years prior thereto.

(Exhibits not reproduced.)

OPINION OF BOARD: With respect to the nine days enumerated in Part 1 of the Claim, the facts are undisputed. On each of those days clerical employees at Richmond, California, manipulated communication circuit devices so as to accomplish what is known as "patching" the circuits involved. No telegrapher has been employed at Richmond for many years.

The petitioning telegraphers filed claim, contending that such work is reserved to them, and requesting a call payment to designated employees, and a similar payment for each date subsequent to those specified when similar work is performed.

This Board and others have decided numerous similar disputes, including Award No. 17 of Special Board of Adjustment No. 553, where these same parties were involved. Award 15711 decided a case where the basic facts were comparable to those here involved. See, also, Awards 3524, 4880, 8018, 10624, 10967, 13044, 13098, 16749, of this Division; Award No. 1 of S.B.A. No. 193, and Award No. 10 of S.B.A. No. 266.

In the interest of uniformity, we believe the precedent established by this line of awards should be followed. However, in line with similar precedent established by awards of S.B.A. 553 (these parties) the claims for dates subsequent to December 4, 1962, must be denied for lack of specificity.

Therefore, Part 1 of the Statement of Claim will be sustained; Part 2 (a) will be sustained to the extent of one call payment for each of the nine dates. No basis is apparent for two calls on December 2, 1962. Claim 2(b) will be denied.

The Third Party involvement issue raised by Carrier has been met, notice having been given to the parties indicated, and their responses noted.

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 this 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 to the extent indicated in the Opinion.

AWARD

Claims 1 and 2(a) sustained to the extent indicated in the Opinion and Findings; Claim 2(b) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 21st day of April 1972.

Keenan Printing Co., Chicago, Ill.

Printed in U.S.A.