

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19379
Docket Number CL-19100

Thomas L. Hayes, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Illinois Central Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6857)
that:

(a) Carrier violated the Scope Rule of the Clerks' Agreement at Centralia, Illinois, when on April 14, 1969, routine clerical duties in the Ticket Office were assigned to an employee not subject to any rule of the Clerks' Agreement.

(b) Clerk C. T. Smith and/or his successor or successors and others adversely affected, shall now be compensated \$28.11 per day for April 14, 1969 and each subsequent day.

(c) Reparation to be determined by joint check of Carrier's payroll and other records.

OPINION OF BOARD: The claim alleges a violation of the applicable agreement because of employees not covered thereby selling tickets at Carrier's Centralia passenger station.

Notice requirements as mandated by the United States Supreme Court in TCE vis. Union Pacific Railroad Company have been met.

Prior disputes have been before this Board involving the same parties in which the Board has held the scope rule to be general in nature in that duties are not defined. See Awards 11793, 13580. Under such general scope rule, the burden is on the Petitioner to show by custom, practice and tradition that the work complained of is reserved to employees covered by the Agreement. In the record before us the Petitioner has not met the burden required of it and the claim will be denied for this reason.

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 28th day of July 1972.