

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19391  
Docket Number CL-19367

Joseph E. Cole, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6958)  
that:

1. The Carrier violated the currently effective controlling Agreements between the Union Pacific Railroad Company and the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees when on January 16, 1970 and again on January 18, 1970, Carrier, at Pocatello, Idaho, utilized the services of transient laborers to transload cars.

2. Claim will now be allowed Claimants E. J. Westwood four (4) hours pay January 16, 1970 and five and one-half (5 1/2) hours pay January 18, 1970 at the rate of Caller-Stower; Mike Katsolemetes four (4) hours pay January 16, 1970 and five and one-half (5 1/2) hours pay January 18, 1970 at the rate of Caller-Stower; H. Winn four (4) hours pay January 16, 1970 and five and one-half (5 1/2) hours pay January 18, 1970 at the rate of pay of Caller-Stower and Al Francisconi four (4) hours pay January 16, 1970 and five and one-half (5 1/2) hours pay January 18, 1970 at the rate of Caller-Stower.

OPINION OF BOARD: 1. Work of this nature is clearly in the purview of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station employees.

2. The record shows that the workers were only casual temporary employees with no rights or representation.

3. Claimants should have been called to perform this work.

4. This event could not be considered as an emergency. Admittedly this work had to be done with speed. However, the record also shows that the claimants could and would have done it at once.

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;

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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

That the Agreement has been violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Kilken  
Executive Secretary

Dated at Chicago, Illinois, this 15th day of September 1972.