

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19392
Docket Number CL-19368

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-6932)
that:

(A) The Carrier violated the currently effective controlling Agreements between the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees and the Union Pacific Railroad Company, when, during the period December 4, 1969 to December 24, 1969, Carrier utilized the services of individuals not encompassed by the Scope Rule to handle the loading and/or unloading of mail at Pocatello, Idaho.

(B) As result of the violations set out in "A" above Carrier shall be required to compensate the appropriate number of senior available qualified employees on the extra or furloughed list in the Pocatello Passenger Depot for eight (8) hours each day, commencing December 4, 1969 and continuing each day thereafter until the violation ceases and, in event there were no extra or furloughed employees or an insufficient number of them, Carrier shall be required to compensate the appropriate number of senior available qualified assigned employees, assigned in the Pocatello Passenger Depot, at the time and one-half rate for all hours worked by "Outsiders" on all days commencing December 4, 1969, and continuing each day thereafter until the violation ceases.

OPINION OF BOARD: 1. Section (d) of Rule 1 does not except these workers from the agreement.

2. The agreement of March 28, 1968 certainly does entitle the Organization workers to this work.

3. The Carrier is not required to search its records for persons who may or may not have been qualified to work during this time.

4. There are no individual claimants. There is no way from this record to evaluate the loss of wages.

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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

That the Agreement has been violated.

A W A R D

Claim A is sustained.

Claim B is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Killen
Executive Secretary

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