

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20999
Docket Number CL-20887

Francis X. Quinn, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7610) that:

1. Carrier violates and continues to violate Rule 44 of the Clerks' Agreement which became effective March 1, 1973, when it failed and refused to assign the work of weighing cars at Russellville, Arkansas, to employees covered by the Agreement, but allowed persons not covered by the Agreement to weigh cars at that location. (Carrier's File 380-3113)

2. Carrier shall now be required to compensate Star Agent R. T. Gramlich, eight (8) hours' pay at pro rata rate beginning March 1, 1973 and continuing each work day thereafter, Monday through Saturday, until the violation is corrected by assigning the work of weighing cars at Russellville to employees covered by the Agreement. Claim is in addition to any other compensation claimant has received for services rendered.

OPINION OF BOARD: The record indicates that Rule 44 does not prohibit the Missouri Pacific Railroad Company from entering into a contract with the D & R permitting the D & R's use of the MP scale at Russellville for the weighing of D & R cars prior to interchange to the MP. We find no violation of the Agreement. Therefore, the claim is denied.

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;

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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 12th day of March 1976.