

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21432
Docket Number CL-21112

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and Station
(Employees
(
(The Long Island Rail Road Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7859) that:

1. The Carrier violated the understanding and provisions of the Clerk's Agreement, particularly the Scope Rule, Rules 5-A-3, 9-A-1, 9-A-2, among others, Memorandum of Understanding #2, and Agreement #47, when it ordered Assistant Agent J. Kguloian and Relief Agent V. Keating, who are not covered by the Clerk's Agreement to perform Group #2 Usher work (train announcing) at Huntington Station (See Attachment "A") from 1:00 p.m. to 9:30 p.m., seven days a week.

2. The Carrier shall pay the senior unassigned extra employee, or if all extra employees are assigned, then the senior employee on his relief day, according to Agreement #47, names of which are shown on Attachment "B" and/or their successors, a day's pay at the Usher rate of \$53.05 per day for the unassigned extra employee, or the punitive rate of time and one-half for the employee unassigned under Agreement #47, effective February 5, 1974, and every day thereafter until the violation is corrected.

OPINION OF BOARD: From February 5, 1974 through April 3, 1974 Carrier had two agents announcing trains at Huntington Station. The employees claim a violation of the Scope Rule, Rules 5-A-3, 9-A-1, 9-A-2, and Memorandum of Understanding No. 2 and Agreement No. 47. The claim is for pay for the senior unassigned extra employee or senior employee on his relief day.

The employees took the position on the property that station announcement had always been performed by ushers systemwide. Carrier countered by pointing to the fact that trainmen make announcements over the equipment on board trains and that a centralized public address system is used for systemwide announcements by a nonrepresented employee. Carrier acknowledged that ushers performed station announcements but it rejected the contention that ushers had a right to the work at all locations.

It is apparent from the facts in the record that by practice and custom ushers make station announcements, systemwide. The exceptions pointed out by Carrier may be said to "prove the rule." The claim is concerned with station announcements and reference to on-board announcements by trainmen is irrelevant. The centralized public address system is not used for routine station announcements, and the parties negotiated with reference to its assignment to a nonunion employee. Carrier took the position that the many uses of the centralized public address system required that an employee with an overall knowledge of operations man it and the correspondence between the parties indicates that it was not intended to function for routine train announcements, although it could be used for nonroutine announcements.

Carrier objects that the claim is too indefinite in that it does not specify the claimants by name. A claim may be dismissed for lack of particularity, but a number of cases have held that where the identity of the claimants can easily be established it is not necessary to name them. The record here shows that the identity of the claimants can be easily determined from the records submitted by the employees, and Carrier's request for dismissal on that ground is denied.

The employees have established that Carrier improperly assigned station announcements in violation of the Agreement. The claim is sustained.

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 was violated.

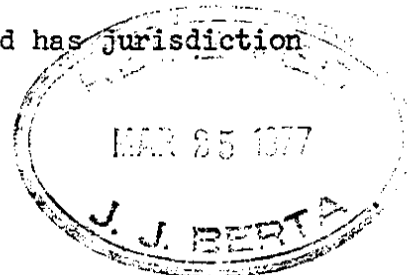
A W A R D

Claim sustained.

ATTEST:

A. W. Paulsen
Executive Secretary

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division



Dated at Chicago, Illinois, this 28th day of February 1977.