

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21971
Docket Number CL-21871

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employes
(
(Consolidated Rail Corporation
((Former Lehigh Valley Railroad Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8241) that:

(a) Carrier violated the Rules Agreement, effective May 1, 1955, particularly Rules 1 (SCOPE), 3, 7 and the applicable Extra List Agreement established and maintained pursuant to the terms and conditions of Rule 26, when it utilized the services of a Taxi-Cab Company to perform work assigned to Clerk-Caller-Messenger positions at Coxton, Pennsylvania, on the dates of May 9, 11 and 12, 1975.

(b) Carrier be required to compensate Extra Clerk K. S. Thoma for one day's pay at the pro rata rate of the Clerk-Caller-Messenger position at Coxton, Pennsylvania for each of the three named dates, or May 9, 11 and 12, 1975.

OPINION OF BOARD: The evidence of record clearly establishes that in prior cases and in previous handling on the Property, the Carrier and the Organization have agreed that the transporting of crews by automobile, although sometimes performed by clerks, does not, in fact, come within the scope rule negotiated in the Agreement between the Clerks and the Carrier. Therefore, the utilization of a taxicab company in the instant case does not violate the Agreement.

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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1978.

