

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22142
Docket Number CL-21835

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Chicago, Milwaukee, St. Paul and Pacific
(Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8220) that:

1) Carrier violated the Clerks' Rules Agreement at Tacoma, Washington on July 7, 8, 9, 10 and 11, 1975 when it permitted an employee of another craft to perform work assigned to Clerks.

2) Carrier shall now be required to compensate employee P. Wood for forty (40) hours at the rate of pay of Position No. 19020.

OPINION OF BOARD: Linda Curtis is regularly assigned to Position No. 19020, District 45, Tacoma, Washington. She was on vacation July 7, 8, 9, 10, and 11, 1975. She was relieved by J. P. Paratich, who holds seniority as a Carman.

Claimant P. Wood seeks compensation for forty hours at the rate of pay of Position No. 19020.

The evidence is clear and convincing that the Carrier used a Carman, an employee outside the scope of the Agreement, to perform work on the position involved.

The Carrier argues that Wood is not the proper Claimant and that the Agreement contains no rule providing for payment in cases of this nature. We reject both contentions.

The position of the Organization is well taken, and 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.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

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

