

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22906
Docket Number CL-22753

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8733)
that:

1. Carrier violated the effective Clerks' Agreement when, on September 16 and 27, 1977, it failed to call Yard Clerk John Bazik for duty on his rest days to perform yard checking duties, but rather, required and/or permitted Accounts Clerk Shirley Talaga to suspend the duties of her own position as an office employee to perform such yard checking duties;

2. Carrier shall now compensate Mr. Bazik for eight (8) hours' pay at the time and one-half rate of a yard clerk position for each of dates September 16 and 27, 1977;

3. Carrier shall now rescind the instructions issued to Ms. Talaga as the incumbent of Job JT-607 under date of September 8, 1977, requiring her to perform occasional yard checking duties.

OPINION OF BOARD: In September of 1977, the Carrier assigned Accounts Clerk, Talaga - in addition to her other duties - the responsibility to perform spot track checks at various patrons served by the Carrier, as directed.

The Organization protested the assignment based upon pertinent agreement language, and the instant claim was instituted on behalf of the Yard Clerk for duty on his rest days.

One of the Organization's assertions is that Ms. Talaga was forced to suspend her normal duties to perform the work (for which she was not properly dressed). In addition, it is contended that the duty in question is not listed as an appropriate part of her regular duties.

Our review of the entire record suggests to us that prior Award No. 20638 is particularly pertinent to this dispute. We do not agree that certain craft crossing considerations raised by Carrier creates a valid line of distinction between the case presented there and the one here under consideration.

Accordingly, for the reasons set forth in that cited Award, we are of the view that there was a violation. The amount requested in the claim is not inappropriate under the circumstances, and the rules of the agreement. Accordingly, we will sustain the entire claim.

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. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 27th day of June 1980.