

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23030
Docket Number CL-22734

Rodney E. Dennis, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(The Western Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-8661) that:

1. The Western Pacific Railroad Company violated the current Clerks' Agreement when on June 1, 1977, and those subsequent days upon which they instructed Mechanical Department employees not covered under the Agreement to perform work belonging to the Sacramento Store Department Clerks.

2. Clerk W. J. Funk whose position was subsequently abolished because of the elimination of this work on June 3, 1977, shall be allowed eight hours at time and one-half for the violation of the Current Agreement on all dates upon which the violation occurs and also have his position re-established. (All dates on which the violations have occurred are being mutually kept by both Carrier and Employees through claims of a like nature.)"

OPINION OF BOARD: The issue in dispute in this case seems to us to be squarely on point with that in Award No. 1, Public Law Board 2172, Dana E. Eischen, chairman, involving the same parties. That award denied the claim of the Organization. We do not find Award 1 to be in error. The present claim will be 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 28th day of October 1980.