

Award No. 6389

Docket No. CL-6543

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Emmett Ferguson, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE VIRGINIAN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, that the Carrier violated and continues to violate the Clerks Agreement, dated April 15, 1946, as amended;

(1) When they transferred the work of checking the rates and making extension of Government Waybills from the rate clerk's position in the General Agents Office (Seniority District No. 11) to the rate clerks in the Auditors Office (Seniority District No. 5).

(2) The Carrier shall now be required to return this work to the rate Clerk's position in the General Agents Office Seniority District No. 11.

(3) That the Carrier (The Virginian Railway Company) shall now be required to compensate Rate Clerk R. W. Graham a three (3) hour call for each day this work was transferred from Seniority District No. 11 to Seniority District No. 5. From November 12, 1951, and the claim to continue until the condition complained of has been corrected.

EMPLOYEES' STATEMENT OF FACTS: Around November 10, 1951, the General Freight Agent at Norfolk, Va., notified the rate clerk R. W. Graham, that the work of checking freight rates and the making of extension of Government waybills would be discontinued in that office and that the waybills would be sent to the Auditor's Office, there the rates would be checked and the extensions made, and that the waybills would be sent back to him for the making of the freight bills.

On November 12, 1951, rate clerk R. W. Graham filed a claim with the Superintendent of the Norfolk Division Mr. A. G. Garrett, claiming a three (3) hour call for each day these Government Waybills were sent to the Auditor's Office. See Employees' Exhibit (a).

On November 15, 1951, Superintendent Garrett, replied to Graham declining his claim. See Employees' Exhibit (b).

"Freight Debit," and "Advances Debit." The effect of this change was the elimination of work in the office of the Auditor of Revenues inasmuch as this office, after November 8, 1951, no longer had to prepare internal correction forms to take care of errors in accounting resulting from use by the General Agent's office at Norfolk of incorrect rates and extensions. Since only a small amount of Government bills came from offices other than Norfolk it was not deemed worthwhile to have the other offices prepare their "Daily Abstracts of Waybills" in two operations instead of one and the office of the Auditor of Revenues continues to issue any necessary internal corrections for errors resulting from the use by these offices of freight charges determined before the waybill reaches the Virginian Railway.

There has thus been no transfer of work, as claimed by the Employees. Prior to November 7, 1951, clerks in the General Agent's Office at Norfolk, Seniority District No. 11, (and elsewhere on the system) made an independent check of freight rates and extensions and clerks in the office of the Auditor of Revenues, Seniority District No. 5, made an independent check of freight rates and extensions. On and after November 7, 1951, only one of these checks was made and that was by clerks in the office of Auditor of Revenues. The determinative check was retained and the other was eliminated. There has thus been merely the elimination of one of two identical and separate processes.

The officer in charge of employees in clerical seniority district No. 5 is the Auditor of Revenues. He has about thirty-nine employees in this seniority district and hence is thoroughly acquainted with details of each employee's work. The Carrier attaches hereto, as its exhibit "C," a sworn affidavit by Mr. Smith, Auditor of Revenues, in which he states that no clerk in his department performed work after November 7, 1951, in checking rates or making extensions on Government waybills different in kind or amount from that performed before that date.

The Carrier has not "transferred the work of checking the rates and making extensions of Government Waybills from the rate clerk's position in the General Agent's Office (Seniority District No. 11) to the rate clerks in the Auditor's Office (Seniority District No. 5)" as alleged in the Employees' "Statement Of Claim" in this case. The claim is without any foundation in fact and should be denied.

All information in Carrier's submission has been furnished representatives of Employees.

(Exhibits not reproduced.)

OPINION OF BOARD: The Organization contends here that the Carrier violated the seniority and bulletin provisions of the agreement when the work of checking and making extensions of Government Waybills was "transferred" from the General Agent's office to the Auditor's office. The Carrier denies that the work was "transferred" and claims that it was previously being done in both offices and by the instant action was merely discontinued in the General Agent's office.

The Carrier's proof of the practice prior to the change is convincing. It is not denied that the work was being done in both offices. That being so, it follows that by the change, no work was added to the Auditor's office or transferred there from the office of the General Agent. It is the opinion of the Board, therefore, that there has been no violation of the rules in discontinuing a portion of the task if, as here shown, such portion was previously being done in more than one place.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 there has been no violation of the rules.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 28th day of October, 1953.