

Award No. 10909
Docket No. CL-10914

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Preston J. Moore, Referee

PARTIES TO DISPUTE:

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

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that,

(a) The Carrier violated the Agreement between the Parties when, at Atlanta, Georgia, in the office of Auditor of Freight Accounts, it required Clerk C. C. Stretch and other employees named in the Employees' Statement of Facts to suspend work on their regular positions and perform other work, for the purpose, or having the effect of absorbing overtime.

(b) Claimant C. C. Stretch and the other employees named in the Employees' Statement of Facts shall now be additionally compensated at rate of time and one-half their pro rata rates for all time required to suspend work on their regular positions and perform work not regularly assigned to them.

EMPLOYEES' STATEMENT OF FACTS:

1. Claimants C. C. Stretch, F. A. Dodds, A. L. Eggers, T. F. Kehoe, O. E. Williams, W. L. Payne, H. E. Puckett, E. V. Russell, F. T. Norvell, H. F. Knuever and C. J. Harvey were, on the dates of the occurrence giving rise to this claim, regularly assigned to positions the preponderating duties of which are described by the Carrier as being: "Recheck of forwarded, received and intermediate abstracts".

Received, forwarded and intermediate abstracts are documents prepared by the rail carrier which delivers an interline freight shipment. A copy of such "abstract" is furnished by each delivering rail carrier to the originating and intermediate carriers which have participated in the carriage of a freight shipment from point of origin to destination. Upon the "abstract" is shown the distribution of freight revenue to each and all rail carriers who participated in the carriage of the freight. Each rail carrier so participating in the carriage of goods by common rail carrier has a period of three years to take exception to the basis of the settlement stated by the delivering (received) carrier.

All pertinent facts and data used by the carrier in this case have been made known to the employe representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: This is a dispute between the Brotherhood of Railway and Steamship Clerks and the Southern Railway Company.

The eleven named Claimants were a part of the regular force of rate clerks in the office of Auditor of freight accounts, Atlanta, Georgia. The bulletin describes the preponderating duties of the Claimant as follows:

"Recheck of forwarded received and intermediate abstracts."

On the four days involved Claimants were used during their regular hours to check mileage distances on certain traffic moving between the New York area and the Atlanta area, and between Atlanta area and the St. Louis area, and to place the mileage figures on each shipment on unit slips. The Organization contends that the Claimants were required to suspend work on their regular positions and perform other work for the purpose, or having the effect of absorbing over-time, violating Rule 30 of the Agreement:

"Employees will not be required to suspend work during regular hours to absorb overtime, except as otherwise provided in Rule 26."

The Carrier contends that such work is a part of the regular duties of the Claimants as well as other rate clerks, although not specifically named in the bulletin.

We believe from the record that the checking of mileage is not specifically assigned to any Employees by bulletin. We further believe that the duties complained of are a part of the regular duties of the Claimants. For the foregoing reasons, we believe there was no violation of the Agreement.

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 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 not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 19th day of November 1962.