

Award No. 14151
Docket No. CL-14264

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William H. Coburn, Referee

PARTIES TO DISPUTE:

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

WESTERN MARYLAND RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5406) that:

(a) Carrier violated the current Clerks' Agreement when on September 3, 1962, it arbitrarily blanked the position of Desk Clerk and assigned the duties thereof to the position of Clerk-Caller.

(b) Clerk J. O. Nash, Sr. shall now be allowed a day's pay at punitive rate for September 3, 1962.

EMPLOYEES' STATEMENT OF FACTS: The Carrier maintains a clerical force at the Port Covington Yard Office, Baltimore, Maryland, composed of a Clerk-Caller, Desk Clerk, and Clerk-Checker. This is a twenty-four hour operation 365 days a year.

On September 3, 1962, the Carrier reduced this force account of Labor Day and the Desk Clerk position was not worked. The occupant of the position was compensated for the day in accordance with Article II, Section 1 of the August 21, 1954 National Agreement.

On the date in question, Claimant was the incumbent to the Desk-Clerk position (blanked account of holiday) and entered claim for a day's pay on a punitive basis account of the Carrier assigning work from the Desk Clerk position and having it performed by the Clerk-Caller. Claim was filed under date of September 3, 1962 (Carrier's Exhibit A), and denied by the Assistant Superintendent, Mr. M. E. Donegan (Employees' Exhibit B), under date of September 21, 1962.

Appeal was made to Division Superintendent, Mr. I. B. Chambers, and he also denied it under date of November 27, 1962 (Employees' Exhibit C).

The organization did not concur in this decision, and appeal was made to the Manager of Labor Relations, Mr. F. B. Plummer. Mr. Plummer sustained the decision of the Superintendent and denied the appeal under date of February 19, 1963 (Employees' Exhibit D).

OPINION OF BOARD: Claimant was assigned to Position No. 20, which was bulletined as Yard Clerk on Monday, Tuesday, Wednesday and Sunday, and as Yard Clerk-Caller on Saturday.

On September 3, 1962, a designated holiday under the Agreement in evidence here, Claimant's position, along with two other clerical jobs, was blanked. He was paid eight hours at the pro rata rate for that day in accordance with the National Holiday Agreement of August 21, 1954.

The Employees allege that the work of the aforesaid blanked position was performed by the occupant of another clerical position, i.e., the Clerk-Caller, on September 3, 1962, and that this was a violation of the basic Agreement.

The Board finds no merit in the foregoing contention. The work alleged to have belonged exclusively to the Yard Clerk's position and assertedly performed by the Yard Clerk-Caller was said by the Employees to consist of receiving line-ups on inbound trains; handling cut-off of inbound trains; making out interchange reports; answering telephones and receiving information from the yard. The record shows, however, that the performance of "general office work" was one of the basic duties common to both positions. The alleged "exclusive" duties set out above fell within the scope of the term "general office work"—the performance of which could properly be required of either or both of the occupants of those positions.

Accordingly, Claimant had no preferential right, vis-a-vis the Yard Clerk-Caller, to the described work and was, therefore, not entitled, as a matter of contract right, to perform it.

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 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 11th day of February 1966.