

Award No. 16568
Docket No. CL-16744

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Bill Heskett, Referee

PARTIES TO DISPUTE:

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

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6105) that:

(a) Carrier violated the Agreement at Anniston, Alabama, when it removed work out from under our Agreement in the use of taxicab drivers to transport micro film from the Anniston Freight Station to the Anniston Airport.

(b) Mrs. Rada Mae Moore shall be compensated for eight (8) hours at the pro rata rate of position last held, each work day beginning February 6, 1965, and continuing until the work is restored to messengers.

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representative of the Class or Craft of employees in which the claimant in this case held position and the Southern Railway Company.

Mrs. Rada Mae Moore is carried on the Southern Railway System, Birmingham Division, Seniority Roster — Group 1, Clerks, with a seniority date of May 5, 1943, and a Group 3, Messenger-Train and Engine Crew Caller seniority date of January 5, 1943. At the time of this claim Mrs. Moore had been an employee of the Southern Railway Company for more than twenty years.

The transportation of messages, documents, film and other matter was performed by messengers before February 6, 1965, when the Carrier adopted the practice of having taxi service transport copies of micro film from the freight depot to the Anniston Airport, thereby denying Mrs. Moore work to which she was entitled to perform.

Division Chairman, Mr. J. E. Miller, filed the initial claim in this case on April 6, 1965, Employees' Exhibit A, and stated:

office building and station watchmen other than those having police authority, and operators of certain office or station appliances and devices not requiring special skill or training such as those for duplicating letters and statements, perforating papers, addressing envelopes, numbering claims and other papers, adjusting dictaphone cylinders and work of like nature; employees gathering mail or other similar work not requiring clerical ability.

* * * * *

"RULE 3. EFFECTIVE DATE

(Revised, effective October 1, 1938)

This agreement becomes effective October 1, 1938, and supersedes and cancels all former agreements but does not, unless rules are specifically changed, alter practices or working conditions established by or under former agreements."

OPINION OF BOARD: Here, the Scope Rule is general and the proof of past practice discloses only that messenger work consisted of transporting waybills, bills of lading and other documents between yard offices, freight houses, the general offices and other of Carrier's facilities. The Organization has failed to establish that there was ever a practice on the system whereby Carrier used messengers to deliver documents off of its facilities such as would make the delivery of microfilmed materials to an airport for transfer by an airline to Carrier's Atlanta accounting office, work belonging exclusively to the Organization. See Award 10095 (Rose); but distinguish Award 15808, by this referee, where the Scope Rule was specific.

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 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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of September 1968.

Keenan Printing Co., Chicago, Ill.

Printed in U.S.A.