



Award No. 16776
Docket No. CL-17273

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Jan Eric Cartwright, Referee

PARTIES TO DISPUTE:

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

ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6317) that:

1. Carrier violated the rules of the Clerks' Agreement when it failed to furnish advance written notice to the General Chairman of operational and/or organizational changes made August 5, 1965 at Hoboken, N. J.
2. Carrier shall now be required to serve the Organization with proper advance written notice as required and to negotiate an Implementing Agreement to cover the desired changes.
3. Carrier shall reimburse any and all employees in the New York Terminal Station Accounting Bureau (Seniority District No. 9) who may be, or will be adversely affected financially by the Carrier's unilateral action. (Claim 1675)

EMPLOYEES' STATEMENT OF FACTS: On August 5, 1965, employees in the Westbound Department of the New York Terminal Station Accounting Bureau (Seniority District No. 9) were notified by the Carrier that they would no longer receive any shipping orders covering the movement of empty Piggyback Trailers being returned to shippers. The trailers referred to move eastward with meat and return only containing meat hooks. The bills covering the westbound movement are picked up by New York Terminal Station Accounting Bureau messenger and proved, routed and entered in car books, billed, stripped and mailed by employees in the Westbound Department of the New York Terminal Station Accounting Bureau.

The work has been performed by employees in the New York Terminal Station Accounting Bureau (Seniority District No. 9) since inception of Piggyback. Approximately 200 trailers a week are involved.

CARRIER'S STATEMENT OF FACTS: This dispute involves a change in procedures of preparing non-revenue waybills covering return movement of empty piggyback meat trailers in order to eliminate duplication of effort by the piggyback yard clerical force and clerical employees in the New York Terminal Station Accounting Bureau.

Prior to August 5, 1965, piggyback clerks in Croxton Yard, N.J., prepared a non-revenue waybill, assigning a pre-designated waybill number to cover return movement of Plan II empty meat trailers to originating shipper via reverse routing. This non-revenue waybill was then picked up by messenger and taken to the New York Terminal Station Accounting Bureau (NYTSAB), where another non-revenue waybill was prepared showing the identical information, including waybill number, that appeared on the non-revenue waybill prepared by the piggyback clerical force. No rating, proving or routing was required by NYTSAB forces, as the movement was non-revenue and the waybill was utilized solely as a car movement bill to return the empty trailers to the shipper.

Subsequent to August 5, 1965, the duplication of these non-revenue waybills governing return routing of Plan II piggyback meat trailers by employees in the NYTSAB was discontinued. However, the "non-revenue" or car movement waybill continued to be made by the piggyback clerks in the same manner as before, except the use of a waybill number was discontinued and each non-revenue waybill was marked "MEMO" in the space normally utilized for a waybill number. There was no increase in the amount of work performed by the clerks in the piggyback yard as a result of this procedure. There was a decrease in the duplicate work performed by the Bureau forces. There was no increase in clerical forces in the piggyback yard, nor a decrease in the forces in the New York Terminal Station Accounting Bureau as a result of discounting this duplication of work.

On August 12, 1965, Local Chairman instituted the present claim with the Manager, NYTSAB, Hoboken, N.J. (Carrier Exhibit A). Claim was denied on August 17, 1965 (Carrier Exhibit B) and thereafter handled on appeal in accordance with the rules and procedures for handling claims on this property up to and including Carrier's highest officer, as evidenced by the following pertinent exhibits:

CARRIER EXHIBIT C — Division Chairman's appeal to Auditor of Revenues — September 10, 1965

CARRIER EXHIBIT D — Auditor of Revenue's denial to Division Chairman — September 24, 1965

CARRIER EXHIBIT E — General Chairman's appeal to General Manager-Labor Relations — October 22, 1965

CARRIER EXHIBIT F — General Manager-Labor Relations confirming denial rendered in conference on November 17, 1966 — December 29, 1966

(Exhibits not reproduced.)

OPINION OF BOARD: The evidence properly before the Board is insufficient to permit us to find that there has or has not been a transfer of work.

· Having failed to show that work was or was not transferred the Division has no recourse but to dismiss the claim.

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.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 12th day of November 1968.