



Award Number 17699

Docket Number CL-18013

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Gene T. Ritter, Referee

PARTIES TO DISPUTE:

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

**CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD
COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6492) that:

- 1) Carrier violated the Clerks' Rules Agreement at Deer Lodge, Montana, when it assigned Time Revisor work to Trainmaster Steno-Clerk Position No. 74050.
- 2) Carrier shall now be required to compensate employe H. C. Denton at the time and one-half rate of Time Revisor Position 74030 during the period that the occupant of Position 74050 performed time revisor work as follows:

1967

2/6 —2 hrs. 40 min.	3/1 —2 hrs. 45 min.
2/9 —1 hr. 20 min.	3/3 —1 hr. 15 min.
2/10—2 hrs. 40 min.	3/6 —2 hrs. 45 min.
2/13—1 hr. 15 min.	3/7 —2 hrs. 30 min.
2/26—1 hr. 15 min.	3/8 —2 hrs. 30 min.
2/17—1 hr. 10 min.	3/10—1 hr. 30 min.
2/20—1 hr.	3/13—1 hr. 45 min.
2/21—2 hrs. 30 min.	3/14—2 hrs.
2/23—1 hr. 45 min.	3/15—1 hr. 10 min.
	3/16—1 hr. 45 min.
	3/17—1 hr. 30 min.
	3/20—2 hrs. 15 min.
	3/21—1 hr.
	3/22—1 hr. 30 min.
	3/23—1 hr. 45 min.
	3/24—1 hr. 15 min.
	3/27—2 hrs. 45 min.
	3/28—1 hr. 20 min.
	3/29—1 hr. 45 min.
	3/30—2 hrs.
	3/31—2 hrs.

1967

4/4 —2 hrs.	5/1 —1 hr.
4/5 —2 hrs.	5/2—1 hr. 15 min.
4/6 —2 hrs.	5/3 —1 hr. 20 min.
4/7 —2 hrs. 15 min.	5/4 —1hr. 10 min.
4/10—1 hr. 45 min.	5/5 —1 hr. 30 min.
4/11—2 hrs. 30 min.	5/8 —1 hr. 10 min.
4/12—1 hr. 15 min.	5/9 —1 hr.
4/13—1 hr. 10 min.	5/10—1 hr. 15 min.
4/14—1 hr. 45 min.	5/11—2 hrs. 30 min.
4/17—1 hr. 45 min.	5/12—1 hr.
4/18—1 hr.	5/15—1 hr. 30 min.
4/19—1 hr. 30 min.	5/16—1 hr. 10 min.
4/20—1 hr. 10 min.	5/17—1 hr. 15 min.
4/21—1 hr.	5/18—1 hr.
4/24—1 hr. 10 min.	5/19—1 hr. 20 min.
4/25—1 hr.	5/22—1 hr.
4/26—1 hr.	5/23—2 hrs. 20 min.
	5/24—1 hr. 15 min.
	5/25—1 hr. 10 min.
4/27—1 hr. 35 min.	5/26—1 hr.
4/28—1 hr. 10 min.	5/29—1 hr.
	5/31—1 hr. 10 min.
	6/1 —1 hr.

and for all subsequent dates the violation continues.

EMPLOYEES' STATEMENT OF FACTS: Claimant H. C. Denton is the regularly assigned occupant of Time Revisor Position 74030 at Deer Lodge, Montana, Seniority District No. 44.

Position 74030 is assigned from 8 A.M. to 5 P.M., Monday through Friday, with Saturday and Sunday rest days; rate of pay \$25.3129 per day, increased to \$25.9488 effective January 1, 1968.

The duties of Time Revisor positions at Deer Lodge, Mont., of which there are two — Position 74020 and 74030, as assigned by bulletin are:

"Check time slips, revise time slips, handle time claims, prepare reports, maintain records associated with timekeeping and revising."

Employee Susan K. Winslow is the regularly assigned occupant of Trainmaster Steno-Clerk Position 74050 at Deer Lodge, Montana, Seniority District No. 44.

Position 74050 is assigned from 8 A.M. to 5 P.M., Monday through Friday with Saturday and Sunday rest days. Rate of pay \$23.7090 per day, increased to \$24.3017 per day effective January 1, 1968.

Apparently in recognition of the fact that the volume of work of Time Revisor Position 74030 is such that claimant is unable to complete all work thereof in his eight-hour tour of duty, the Carrier, beginning on January 16, 1967 and continuing since that date, has required employee Winslow to regularly perform the following duties of Time Revisor Position 74030:

Sort Rocky Mountain Divn. time slips & line them up according to date, sub-division and trains;

departure times shown on the time slips against the information shown on the train sheets.

Attached hereto as Carrier's Exhibit "A" is a copy of letter written by Mr. S. W. Amour, Vice President-Labor Relations, to Mr. H. C. Hopper, General Chairman, under date of August 22, 1967.

(Exhibits Not Reproduced)

OPINION OF BOARD: The Claimant is the regular occupant of Time Revisor Position 74050 at Dee Lodge Montana. On various dates as shown in the Statement of Claim a Trainmaster Steno-Clerk (See Award 17698) was temporarily assigned to perform work ordinarily performed by the occupant of the Time Revisor Position. Claimant has requested that he be compensated at the time and one-half rate for the time consumed by the Trainmaster Steno-Clerk in performing this work. The Carrier denied the claim on the ground that Rule 17 of the Controlling Agreement, particularly paragraph (c) reading;

"(c) A temporary assignment contemplates the fulfillment of the duties and responsibilities of the position during the time occupied, **whether the regular occupant of the position is absent or the temporary assignee does the work irrespective of the presence of the regular employee. . . .**"

permitted Carrier to temporarily assign the Trainmaster Steno-Clerk on the claim dates to perform work on the Time Revisor Position.

A careful analysis of Rule 17, as applied to the facts in this case, leads us to the conclusion that the Carrier's position is proper. We will deny 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; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1970.