

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

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

BOSTON AND MAINE CORPORATION

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6713) that:

1. Carrier violated the Clerks' Agreement effective September 1, 1952, Rules 1, 3(b), 17(e) and 18 among others, also, Article III and IX of the supplementary agreement, effective March 23, 1959, when on November 2 and 3, 1968 an Official and Employees excepted from all the rules of the Agreement performed Stockmen's clerical work on the latter's rest days, in its Stores Dept., Billerica Shops, Mass.

2. Carrier shall now be required to compensate Stockmen, Messrs. F. Russell, J. Podgorski, T. Rowe and B. Locke for eight (8) hours pay each at punitive rates for both Saturday, November 2, 1968 and Sunday, November 3, 1968, a total of \$329.4048 or 82.3512 to each claimant.

EMPLOYEES' STATEMENT OF FACTS: Claimants occupied positions of Stockmen, on the clerical roster, Billerica Stores, Stores Dept., Billerica Shops, Mass., working Monday through Friday from 7:00 A. M. to 3:30 P. M. (½ hour lunch), Saturday and Sunday rest days, which are unassigned.

Prior to claim date, Carrier with the aid of outside Consultants had instituted studies to centralize its materials and equipment at Billerica Stores by reducing items stocked at on-line Stores points keeping at those points and in its Shops at Billerica in open bins, materials readily available to its Mechanics at actual work sites, to be serviced by Store-Helpers, cutting down the necessity of maintaining larger stocks of materials in its Stores-room and permitting quicker charge-out of supplies with consequent reduction in its inventory figures.

Stockmen's primary duties consist of maintaining stock records, ordering required material, inserting material locations on receiving and shipping data and other duties as assigned.

On November 4, 1968 the Local Chairman wrote to Mr. H. Brown as follows:

CARRIER'S STATEMENT OF FACTS: Due to a major reorganization of the Stores Department and the stores accounting system, it was necessary for the Carrier to discard all superfluous stock cards (perpetual inventory records) so that in the future filling of orders could be accomplished more efficiently.

Therefore, the Carrier used the General Storekeeper, the traveling storekeeper and the foreman to peruse all stock cards, for the purpose of eliminating cards which recorded material that had become obsolete.

Claim was made by the organization on the basis that such work came within the purview of the Agreement. The Carrier's supervisors are the only persons qualified to make such a judgment, and not the claimants. Claim was denied accordingly.

OPINION OF BOARD: Claimants held positions of Stockmen in Carrier's Stores Department at Billerica Shops, working Monday through Friday, with rest days Saturdays and Sundays. Their primary duties consisted of maintaining stock records and ordering material.

Due to a major reorganization of the Stores Department and the Stores Accounting System it was necessary for the Carrier to discard all superfluous stock cards. The Carrier used the General Storekeeper, the Traveling Storekeeper and the Foreman to peruse all stock cards for the purpose of eliminating obsolete cards.

Claim was made by the Organization on the basis that such work came within the purview of the Agreement. The Employees contend the performance of this work by other than Claimants was a violation of Rules 1, 17, 18. Employees also charge a violation of Article III of Memorandum CL-46 pertaining to grievance procedure and of Article IX pertaining to restoration of work to employees within the scope of the agreement. The Petitioner alleges that the Carrier violated the time limit rule.

After careful examination of the record, the Agreement between Boston and Maine Railroad and the Brotherhood of Railway and Steamship Clerks we find that the work as herein described had not been exclusively performed by Claimant Stockmen. No probative evidence has been submitted that the Carrier violated the time limit rule.

It is well established that the burden of establishing grounds for support of a claim rests with the petitioner. In the instant case such evidence is lacking. Therefore, we must 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; and