

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19304  
Docket Number CL-16213

Clement P. Cull, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway and Steamship Clerks,  
(Freight Handlers, Express and Station Employees  
(  
(Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL 5969)  
that:

1) Carrier violated the Clerks' Rules Agreement at Davis Jct. Illinois, when it assigned work which was a part of the duties of the Trucker position to persons not covered thereby.

2) Carrier shall now be required to compensate employe Donald G. Horn for five hours 20 minutes (5'20) at the overtime rate of Trucker Position No. 9210 for Sunday, February 28, 1965.

OPINION OF BOARD: The dispute herein involves the failure of Carrier to call Claimant to assist in the unloading of a corpse at Davis Junction, Ill., on Sunday, February 28, 1965.

Petitioner concedes that the work involved is not reserved exclusively to Claimant and the record supports that concession. Petitioner relies on Rule 1 - Scope; Rule 32 - Overtime and Rule 34 - Notified or Called. While conceding that the work is not reserved to it, Petitioner contends that Claimant should have been called to do the work as he performed it when it occurred during his regular work week. Carrier contends, among other things, that the Claim has no merit on the basis that the work is not exclusively reserved to Petitioner.

We are persuaded that where, as here, the Scope Rule is general in nature merely listing positions and not work, and the work is not reserved exclusively to Petitioner, the Carrier was under no obligation to call Claimant. Accordingly, as we find that the Rules relied on by Petitioner do not support the Claim, it will be denied.

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 Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement has not been violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1972.