

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19317
Docket Number CL-17330

Robert M. O'Brien, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway and Steamship Clerks
(Freight Handlers, Express and Station Employees
(
(Southern Pacific Company (Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6335)
that:

(a) The Southern Pacific Company violated the Agreement between the parties when on September 28, 1963, it required and/or permitted an Assistant General Yardmaster to perform yard clerk work instead of calling and using Yard Clerk George Keiser who was off duty on one of his rest days, available and willing to perform the required work; and,

(b) The Southern Pacific Company shall now be required to allow Mr. George Keiser eight (8) hours' additional compensation at the time and one-half rate of yard clerk for September 28, 1963

OPINION OF BOARD: On September 28, 1963, Assistant General Yardmaster D. C. Downs, not covered by the Clerks' Agreement, while working out in the yard, made a check of certain cars jotting down their numbers and indicating opposite the car numbers their respective disposition.

The Organization contends this constituted yard check work which work is reserved to Clerks by the Clerks' Scope Rule. The Carrier alleges that the work in question was not yard check work, and even if it was, Claimant does not have an exclusive right to check the yard.

We are of the opinion that when Assistant General Yardmaster Downs made the check in question and subsequently gave this information to an Engine Foreman so that the Foreman could perform switching in the area, such work constituted clerical work reserved to the Clerks' Organization. The yard check was not merely incidental to the duties of the Assistant General Yardmaster. It was work customarily performed by Clerks and when Carrier allowed the work to be performed by the Assistant General Yardmaster, this constituted a violation of the contract, and therefore the claim will be sustained.

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:

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That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killian
Executive Secretary

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