

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19381  
Docket Number CL-19483

Thomas L. Hayes, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees

PARTIES TO DISPUTE: (

(The Kansas City Southern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7029)  
that:

(1) Carrier violated the current Clerks' Agreement, at Minden, Louisiana, when Carrier removed traditional work of preparing railroad billing from the Clerk's Contract, and caused or allowed employees of Landa Transport Company, not covered by the clerks' agreement, to prepare necessary railroad billing.

(2) Carrier shall compensate claimant D. J. Roton, Yard Clerk, Minden, Louisiana, for two (2) hour "Call" on each of the following dates:

September 23, 25, 27, 28, 30, 1968.  
October 1, 2, 4, 5, 6, 7, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20,  
21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 1968.  
November 2, 5, 6, 7, 8, 9, 11, 13, 14, 15, 15, 16, 18, 20, 21, 22,  
25, 27, 29, 30, 1968.  
December 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19,  
20, 21, 23, 24, 26, 27, 28, 31, 1968.  
January 1, 2, 3, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21,  
22, 23, 24, 25, 27, 28, 30, 31, 1969.  
February 1, 3, 4, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21,  
22, 23, 24, 25, 26, 27, 28, 1969.  
May 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21,  
22, 23, 24, 25, 26, 28, 29, 30, 31, 1969.  
June 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 20, 21, 22, 23,  
24, 25, 26, 27, 28, 1969.  
July 2, 3, 4, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19, 21, 23, 24,  
25, 26, 28, 30, 31, 1969.  
August 1, 2, 4, 6, 7, 8, 9, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22,  
25, 26, 27, 28, 29, 30, 1969.  
September 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20,  
22, 24, 25, 26, 27, 28, 1969.  
October 1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21,  
22, 23, 25, 27, 28, 28, 31, 1969.  
November 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 21, 22, 24, 26,  
27, 28, 1969.  
December 1, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22,  
23, 24, 25, 28, 1969.

January 1, 2, 4, 8, 9, 10, 16, 18, 19, 20, 21, 22, 24, 26, 27, 28, 29, 30, 1970.  
May 21, 22, 23, 25, 26, 27, 30, 1970.  
June 4, 5, 6, 8, 9, 10, 12, 13, 15, 20, 22, 23, 24, 25, 27, 30, 1970.  
July 4, 5, 8, 9, 11, 13, 14, 15, 18, 20, 25, 27, 28, 30, 31, 1970.  
August 2, 4, 8, 10, 11, 13, 17, 18, 19, 22, 25, 29, 1970.  
September 2, 3, 5, 7, 8, 12, 15, 16, 18, 23, 25, 1970.

OPINION OF BOARD: Since the Scope rule of the Agreement does not cover Motor Lines employees, no showing has been made by the employees that the instant work was contracted to rail employees, the work in case was not under control of Carrier, the work in case was Motor Line's work, and the employees having failed to show by presentation of competent evidence that the work in dispute was rail work, 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:

EA Killen  
Executive Secretary

Dated at Chicago, Illinois, this 28th day of July 1972.