

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19460
Docket Number CL-19397

Arthur W. Devine, Referee

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

PARTIES TO DISPUTE: (
(Erie Lackawanna Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6951)
that:

1. Carrier violated the rules of the Clerks' Agreement in the Rate Revision Bureau, Buffalo, New York, when it failed and refused to permit Chief Clerk J. S. Karg, Asst. Chief Clerk J. F. Orlowski and Rate Clerk Dominic J. Gentile to work overtime on a backlog of work assigned to their respective positions and on March 10, 11, 12, 13, 18, 19, 20 and 21, 1969, permitted and required Traveling Rate and Transit Examiner Whalen, occupying a position in Seniority District 8 to perform work assigned to employees in the Buffalo Rate Revision Bureau, Seniority District 9.

2. Carrier shall now compensate employees J. S. Karg, J. F. Orlowski and Dominic J. Gentile, an equal portion of a total of fifty-six (56) hours at time and one-half rate at their respective rates of pay as a result of Traveling Rate and Transit Examiner Whalen performing eight (8) hours of work properly belonging to the above named claimants on each of the following dates: March 10, 11, 12, 13, 18, 19 and 20, and two (2) hours on March 21, 1969, thereby depriving the above named claimants collectively, a total of fifty-six (56) hours overtime on their regularly assigned positions. (Claim 2198)

OPINION OF BOARD: The claimants herein occupy positions in Carrier's Rate Revision Bureau at Buffalo, Seniority District No. 9. The claim is that on the dates involved in the claim the Carrier used a Rate and Transit Examiner, designated as an X-2 position, assigned to Seniority District No. 8-A, to perform and process work assigned to claimants in Seniority District No. 9.

It appears that the work performed by the Rate and Transit Examiner, resulting in the claim, was the filing of tariffs, which it is claimed could not be kept up currently by the employees in Seniority District No. 9.

From the record of the handling of the dispute on the property it is clear that the work complained of was work of the employees of Seniority District No. 9. It is well settled by prior awards of this Board that in the absence of clear rules to the contrary Carriers are prevented from turning work of employees of one seniority district over to employees of another district. In its submission to the Board the Carrier contends that the work of the two seniority districts has always been interchangeable. However, there is no evidence to support such contention. Neither was this a case of transfer of work as referred to by the Carrier in its submission.

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The Agreement was violated and the claim will be sustained.

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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

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