

RATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD **DIVISION**

Award **Number** 20994  
Docket **Number** CL-20884

**Irwin M. Lieberman**, Referee

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

**PARTIES TO DISPUTE:** (

(**Norfolk** and Western **Railway** Company

**STATEMENT OF CLAIM:** Claim of System **Board** of Adjustment **No. 218 (GL-7608)**  
on the Lake Region, **Norfolk** and Western Railway Company,  
that :

1. Carrier violated and continues to violate the Agreement between the **parties** when on Kay **3, 1973**, both the Engine House Clerk and the Car Department Clerk positions were abolished, and one job established combining those positions, and the Roundhouse Foreman were ordered to perform clerical duties formerly assigned to the **Engine House** Clerk position.

2. Carrier shall pay Clerk E. C. **Hoffman** three **(3)** hours punitive **rate** for Second Trick, plus three **(3)** hours **punitive** rate for **Third** Trick, commencing **May 4, 1973**, and for each day thereafter that this violation continues.

**OPINION OF BOARD:** The Issue **in** this **case** is whether a Roundhouse Foreman improperly performed certain clerical duties formerly assigned to a clerical position covered by the applicable Agreement.

This **dispute** Involves the Scope Rule of the Agreement. The Rule **in** the Agreement before **us is general in** nature and does not specify **any** work. In order to prevail, Petitioner **has** the burden of **proving**, by a **preponderance** of evidence, exclusive system-wide practice in Support **of its** position. The only work Identified by the Organization **in** this **dispute was** the filing of Form **MP-60** by the **Roundhouse** Foreman; Carrier contends that this work, which took no more **than** five minutes per shift, was not the exclusive work of clerks. Petitioner has failed to provide any evidence that the work **in** question **was** performed **system-wide**, exclusively, historically and customarily by employee covered by the Agreement (see Awards **16787** and **14327 among** a host of others). In view of Petitioner's failure to meet Its burden of proof, the Claim **must** be denied.

**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;

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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:

*A. W. Paulsen*  
Executive Secretary

Date-d at Chicago, Illinois, this 12th day of March 1976.