

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21051
Docket Number CL-20793

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7596) that:

1. The Carrier violated the rules of the effective Clerks' Agreement, particularly the Memorandum of Agreement, dated July 23, 1969, when it required end/or permitted an employe not covered by the scope of the governing Agreement to perform work covered by the scope thereof.

2. The Carrier shall now be required to compensate Clerk J. P. Cummings three and one-half (3½) hours' pay at the time and one-half rate of Position No. GT-554 for Tuesday, February 13, 1973.

OPINION OF BOARD: This claim is one of several related disputes concerning operation of teleprocessing devices by supervisory personnel of Carrier. The history of the disputes as well as applicable Agreement provisions, together with analyses of each, are set forth in Award No. 21050, the first of these cases.

In the present dispute the Organization asserts and Carrier tacitly admits that on Tuesday, February 13, 1973, Trainmaster H. Mazurek operated a teleprocessing device (RMS-4-SCR), for the purpose of retrieving information from the computer, at various times between the hours of 3:00 p.m. and 10:00 p.m. Claimant was an Input/Output Technician on duty at the time the supervisor operated the teleprocessing device. For reasons set forth in detail in the non-cited Award we shall sustain the claim. But our review of the record shows that the claim alleges and proves work performance by Mazurek for a total of 3 hours and 10 minutes and not 3½ hours as sought by the claim: Under Rule 43 cited and relied upon by the Organization for damages, time and one-half is payable on the minute basis in excess of two (2) hours. The claim is sustained for 3 hours and 10 minutes.

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 to the extent Indicated ~~in~~ the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1976.