NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 21891
THIRD DIVISION Docket Number CL-21725

John P. Mead, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
(Pacific Fruit Express Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8243) that:

(a) The Pacific Fruit Express Company violated Rule 1, Scope Rule and Employes affected, of the Clerks' Agreement when it removed work traditionally and historically performed by employes covered thereby since its inception and required and/or permitted others not holding clerical seniority to perform the work involved.

(b) The Pacific Fruit Express Company shall now be required to allow the following claims:

Name of Employe	Claim File No.	Date Claimed	Amount Claimed	Rule under Which Claimed
A. Calderon	911-73-15	Jan. 2, 1973	8 hrs. Sec.Stkmn.	Rule 1
A. Calderon	911-73-16	Jan. 4, 1973	8 hrs. Sec.Stkmn.	Rule 1
A. Calderon	911-73-17	Jan. 29, 1973	8 hrs. Sec.Stkmn.	Rule 1
A. Calderon	911-73-18	Jan. 30, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-19	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-20	Jan. 29, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoeuhoff	911-73-21	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-22	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-23	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-24	Jan. 4, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-25	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-26	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-27	Jan. 28, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-28	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoeuhoff	911-73-29	Jan. 5, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-30	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-31	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-32	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-33	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-34	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-35	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-36	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1

Name of Employe	Claim File No.	Date Claimed	Amount Claimed	Rule under Which Claimed
R. C. Tolbert	911-73-37	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-38	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-39	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-40	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-41	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-42	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-43	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-44	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-45	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-46	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-47	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-48	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-49	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-50	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-51	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-52	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
Royal Eelley	911-73-53	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
Royal Eelley	911-73-54	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
Royal Kelley	911-73-55	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
Royal Eelley	911-73-56	Jan. 12, 1973	8 hrs. Sec.Stkmn.	Rule 1
Royal Kelley	911-73-57	Jan. 31, 1973	8 hrs. Sec.Stkmn.	Rule 1
Royal Kelley	911-73-58	Jan. 31, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-59	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-60	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-61	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-62	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-63	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-64	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-65	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-66	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-67	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-68	Jan. 30, 1973	8 hrs. Sec.Stkmn.	Rule 1
R. C. Tolbert	911-73-69	Jan. 31, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-70	Jan. 29, 1973	8 hrs. Sec.Stkmn.	Rule 1
E. Schoenhoff	911-73-71	Jan. 26, 1973	8 hrs. Sec.Stkmn.	Rule 1

OPINION OF BOARD: This claim alleges a violation of the scope rule in the agreement between the parties because officers of the Mechanical & Engineering and Purchasing Departments, headquartered in San Francisco, completed requisition forms covering material to be used in the Roseville Shops of Carrier in connection with functions at that location under the supervision of those departments.

Petitioner asserts that the scope rule reserves such work to employes covered thereunder and that Section Stockmen at Roseville routinely complete requisition forms. Carrier states that the matter in dispute here is nothing more than a continuation of a long and established practice wherein each department has the responsibility for and -has always performed the function of requisitioning materials used in connection with the respective functions and responsibilities of the respective departments.

The Organization has failed to produce probative evidence of sufficient weight to sustain its claim that the work assigned to officers of the Mechanical & Engineering and Purchasing Departments is work reserved to clerks under the agreement. As we view the evidence, such work was merely incidental to the performance of the officers' work. So long as it was only incidental, its completion by the officers did not violate the Clerks' Agreement.

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 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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paules
Executive Secretary

Dated at Chicago, Illinois, this 15th day of February 1978.