

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24114
Docket Number CL-24025

Josef P. Sirefman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Pittsburgh & Lake Erie Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9396)
that:

(a) Carrier violated the Clerical Rules Agreement, effective September 1, 1946 as amended, particularly Rule 1, Scope, when they permitted an employee of the Building and Bridges Department, Mr. J. Estvander, to perform custodial duties such as moving furniture out of Room 330 while claimant was on duty and in the vicinity, on April 10, 1979.

(b) Claimant was assigned to Ass't. Lead Foreman position, Job No. 2, whose duties include, "MOVES FURNITURE."

(c) Objection is taken to the denial of Supt. Labor Relations, Mr. R. A. Blair's letter dated October 12, 1979 whereas he states that moving of furniture is not work exclusively reserved for employees of District #17. The moving of furniture at the Terminal and Annex Buildings of the Pittsburgh & Lake Erie Railroad at Pittsburgh, PA and also at other locations is always performed by Clerical Forces as stated in their Job Advertisements.

(d) That claimant, Mr. J. Janiec, be compensated one (1) penalty day's pay for April 10, 1979.

OPINION OF BOARD: This dispute pertains to the moving of certain furniture by a painter on April 10, 1979 preliminary to painting a room at the Pittsburgh location. The Organization position is that Claimant J. Janiec, Assistant Lead Foreman-Clerk in the Custodial Department at the Pittsburgh location should have been assigned such duties under the work scope rule in the agreement. The record establishes that at the Pittsburgh location the Assistant Lead Foreman-Clerk has been bulletined as "moves furniture and file cases" as one of a group of listed "Duties". Therefore the painter performed Claimant's duties on April 10, 1979 and the claim for eight hours pay for that day is sustained.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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: Acting Executive Secretary
National Railroad Adjustment Board

By  _____
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of January 1983.