

The Third Division consisted of the regular members and in addition Referee Gil Vernon when award was rendered.

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10017) that:

1. Carrier violated the effective Clerk's Agreement when, on July 30, 1984, it required and/or permitted an employe not covered thereby to perform work reserved to employes fully covered thereby:

2. Carrier shall now compensate Mrs. Bernice Dale, Timekeeper & Distribution Clerk six (6) hours' pay at the time and one-half rate of her position for July 30, 1984."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The claim before the Board is based on the allegation that on July 30, 1984, Carrier allowed the Assistant Comptroller to perform the work of two absent timekeepers for a period of six hours. It is argued that this violates the Scope Rule and improperly infringes on the rights of the Claimant, the remaining timekeeper, who was available to perform the disputed work on an overtime basis.

The Carrier counters asserting that the activities of the Assistant Comptroller were limited to reviewing the uncompleted work of the absent timekeepers to determine what uncompleted work required immediate attention. It further asserts that he subsequently assigned what he determined to be priority work to the Claimant. It argues based on this that the Assistant Comptroller's review of all uncompleted timekeeping work is a managerial prerogative and is not a violation of the current working Agreement. Furthermore, it alleges his total review of the time slips took less than one-half hour.

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Docket No. CL-26549
88-3-85-3-355

It is the conclusion of the Board that there is an insufficient basis in this record to resolve the factual dispute on which each Parties' position is predicated. We cannot determine with any sufficient degree of certainty just what the Assistant Comptroller did or did not do on the day in question.


Accordingly, the claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1988.