

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27166
Docket No. CL-26964
88-3-85-3-752

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10062) that:

(a) Carrier daily violated the intent and provisions of the current Clerks' Agreement as well as many years of past practice by requiring Contracted Dormitory Employees to call train and engine crews to work beginning January 6, 1983, and continuing to this date of claim at Wellington, Kansas, and

(b) Carrier shall now pay the senior off duty regularly assigned employe from the list shown below and/or their successor or successors on Crew Clerk positions at Wellington eight (8) hours at the rate of time and one-half of the rate of \$96.88 (Crew Clerk rate) per day, plus all subsequent wage increases, for each eight hour shift at Wellington, Kansas, beginning January 6, 1983, and continuing each day thereafter until the violations are terminated, and

(c) Upon expiration of sixty days from the original date of submission, Carrier shall also pay 10% per annum interest on the amounts claimed.

6016	Crew Clerk	R. N. Williams
6017	Crew Clerk	A. E. Ballin
6018	Crew Clerk	J. D. Nail
9300	Relief	A. S. Amberg
9305	Relief	J. J. Cochran"

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 employees involved in this dispute are respectively carrier and employees 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.

This dispute concerns the Organization's contention of a rules violation by the Carrier's direction to have Crew Clerks call employees for duty at the Wellington Crew Dormitory Facility by means of reaching a contracted dormitory employee, who in turn advises the employees of the call. This became effective in 1983, after a four-year period in which the Crew Clerk would call the dormitory, obtain the room telephone number of the employees, and then call the employees directly. Prior to 1979, for at least a brief period, the system used beginning in January, 1983, had been previously in effect. The change was made owing to the removal of the separate room telephones.

The Board finds no merit in the Organization's contention. Crew Clerks remain responsible for "calling" employees for duties. No rule violation may be found in employing a system whereby a dormitory employee conveys such call to the called employees' rooms -- a method previously in effect at Wellington and, according to the Carrier, also in effect at other points.

The revised system, after the period during which room telephones were available, does not diminish the Crew Clerks' responsibility or add to the work of either the Crew Clerks or the called employees. The change in procedure, caused by the absence of available room telephones, is not shown to be contrary to rule or represent a removal of function (i.e., crew calling) from the Crew Clerks.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1988.