

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(  
(CSX Transportation, Inc. (formerly The Louisville  
(and Nashville Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
(GL-10568) that:

1. Carrier violated the Agreement when it failed and/or refused to call the Senior Available Employee, or an Extra Clerk, to perform extra clerical work done by a Supervisor.

2. Carrier shall now compensate the Senior Available Employee, extra in preference, one (1) day's pay for each violation on the following dates, May 12, 22, 23, 24, 25, 26, 30 and 31, 1989, at the rate of the Intermodal Clerk, \$103.36 per day, a total of \$826.88."

FINDINGS:

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

The carrier or carriers and the employee 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.

The Organization asserts that a Supervisor entered bill of lading information into the "OIFX" function of the "TIC" program to notify the Clerk that a Bill of Lading had been received. The Organization argues that the bills of lading have always been handled by Clerks who entered the information directly.

Carrier denied that the work is reserved to the Clerks by Agreement or past practice, nor was it ever exclusively clerk work but in fact, it "has spread to other avenues as a result of technological changes which are contemplated by your Agreement."

In addition to certain objections dealing with failure to identify a Claimant and "de minimus" the Carrier has also questioned that there is any evidence of record to even show that the Supervisor in question actually entered the bills of lading.


For the same basic reasons as stated in our decision in Third Division Award 29441, we are inclined to deny the Claim, as contrasted to our finding of a violation in Third Division Award 29401.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 21st day of October 1992.