

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33214
Docket No. CL-34183
99-3-97-3-745**

The Third Division consisted of the regular members and in addition Referee John H. Abernathy when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(Springfield Terminal Railway Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11869) that:

(a) On behalf of E. McKeen, one day's pay for August 16, 1996, account Transportation Supervisor T. C. Tardiff doing Scope work in violation of the Agreement, Rule 1 and other rules that may apply.

(b) Mr. Tardiff interchanged cars from ST to the SLR.”

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 employee 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 were given due notice of hearing thereon.

On August 16, 1996, while Transportation Supervisor Tardiff was reviewing computer transactions performed by his clerical staff (a proper management function), he discovered three cars which had not been electronically moved off this railroad.

Supervisor Tardiff made the correct computer entries in about one minute at 10:31. The Organization filed a claim charging that the Supervisor performed work reserved to scope-covered employees in violation of the Agreement and sought one day's pay on behalf of Claimant. Carrier denied this claim, stating that this type of activity had been done on this property in this manner by Supervisors, probably since 1985 and certainly since 1995, without protest from the Organization and that this type of activity is the de minimus type of loose-end caretaking which has virtually and traditionally been a management prerogative.

It is undisputed that the challenged work performed by the Supervisor took one minute. Thus, even if the Organization could prove that this type of work was exclusively reserved for the Transportation Communication Craft and even if the Organization could prove that this type of work was never performed by Supervisors, the work performed by the Supervisor was de minimus.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 21st day of April 1999.