

Award No. 11553
Docket No. CL-11568

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Charles W. Webster, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the terms of the currently effective Agreement between the parties and continues to violate the Agreement when beginning on or about February 2, 1958 it removed work covered by the Agreement from the scope thereof and assigned it to employees covered by another craft at Chaffee, Missouri.

(2) H. G. Maxwell, Chief Caller, now be allowed a minimum call of two hours at time and one-half for each date, February 2, March 2, 3, 5, 6, 13, 14, 22, 23, 27, 28, April 4, 5, 12, 16, 17, 18, 20, 23, 26, May 8, 10, 14, 16, 18, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, June 2, July 23, 24, 25, 27, 1958, and all subsequent dates on which this condition continues to exist, and on which there are claims of record.

(3) W. M. Daugherty, extra Caller, now be allowed a minimum call of two hours at time and one-half on each date, March 29, 30, 31, April 1, 12, 13, 14, 15, July 14, 15, 22, 28, 29, 31, 1958, and all subsequent dates on which there are claims of record.

(4) The clerical work in connection with the calling of engine crews at Chaffee, Missouri now be restored to the clerical force in the Master Mechanic's Office at that point.

EMPLOYEES' STATEMENT OF FACTS: For many years the calling of engine crews, handling the enginemen's board, handling of layoffs, reporting for duty, assignment of bulletined enginemen's positions, and other clerical work connected with the handling of engine crews at Chaffee, Missouri was handled exclusively by the clerical force in the Master Mechanic's Office at that point.

The clerical force in the Roundhouse at Chaffee, Missouri consists of a Roundhouse Clerk, 7:30 A. M. to 12:00 noon, and 1:00 P. M. to 4:30 P. M.,

decision was rendered July 16, 1957, Carrier's Exhibit C-1, and no appeal having been taken therefrom, that decision has become final and binding under the provisions of Article V of the August 21, 1954 National Agreement and governs the disposition of this dispute.

The claims of Extra Caller Daugherty were based upon the same contentions as those of Chief Caller Maxwell. However, it should be pointed out that the claim date of April 12 shown in Part (3) of the Employees' Statement of Claim is a duplicate claim of one for the same date in favor of Chief Caller Maxwell in Part (2) of the Employees' Statement of Claim. Subsequent claims advanced by Daugherty have been duplicated in the same manner and the Organization has not adequately explained the reason for such duplications.

The facts of record do not warrant a sustaining award and this Division is respectfully requested to so find.

All data in support of Carrier's submission have been presented to Employees or duly authorized representative thereof and made a part of the particular question in dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: This is a Scope Rule Case. From the record it appears that the Organization on this property has acquiesced for many years and allowed the Lead Mechanics to perform the function of Engine Crew Callers when there was no member of the Clerks' Organization on duty.

While historically and traditionally this is work assigned to the Clerks' Organization, the record shows that the Clerks have waived their rights to the work on this property under these circumstances.

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

That the parties waived oral hearing;

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 not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of June 1963.