

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19213
Docket Number CL-15431

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Chicago, Burlington & Quincy Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5749)
that:

(1) The Carrier violated the Clerks' Rules Agreement, particularly Rules 1, 25, 36(k) and Article VIII of the Agreement of August 21, 1954, beginning on April 3, 1964 and continuing thereafter, when the Operator-Leverman (telegrapher), upon arrival of passenger trains No. 35 and 36 at Quincy, Illinois, West Station, was required to assist the Assistant Baggage-man and Baggage-master on duty, with the head end work on these trains.

(2) That the claimants named below and/or their successors, if there be any, be compensated for 2 hours at punitive rate, (\$18.06 per day, plus subsequent wage adjustments), for each claim date when they were available and were the senior qualified employees entitled to the work on the claim dates indicated:

J. D. Dixon	April 3, 1964
E. G. Davis	April 4, 1964
L. T. Meyer	April 8, 1964
R. T. Beck	April 9, 10, 11, 1964
L. T. Meyer	April 14, 15, 1964
E. G. Davis	April 16, 1964
R. T. Beck	April 17, 18, 1964
E. G. Davis	April 21, 22, 23, 24, 25, 29, 30, May 1, 2, 6, 7, 8, 9, 13, 1964
R. T. Beck	May 14, 15, 16, 1964

This is a continuing claim. Additional claim dates and names of the claimants have been presented to the Carrier and progressed up to the highest designated officer of the Carrier to handle such disputes. By reference thereto are made a part of this submission.

(3) That the head end work on passenger trains at Quincy, Illinois, West Station, be returned to employees of the Clerks' Craft and Class.

OPINION OF BOARD: Claimants are Assistant Baggage-man and Baggage-master at Quincy, Illinois. The employes have contended that Carrier is in violation of the Scope Rule of their Agreement when an Operator - Lever-man (telegrapher) was permitted to assist the Assistant Baggage-man and Baggage-master with "head end" work upon arrival of passenger trains No. 35 and 36 at Quincy, Illinois, West Station.

This Board in Award 13823 (Referee Dorsey) which involved an identical dispute between these same parties in Albia, Iowa held:

"The Scope rule of the Agreement is general in nature. Consequently, to prevail, Clerks have the burden of proving that the work, to which it lays claim has been performed historically and customarily by employes covered by Clerk's Agreement. Clerks in the record, failed to satisfy the burden. We will deny the claim."

We will follow Award 13823 and deny the claim.

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 Employes involved in this dispute are respectively Carrier and Employes 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1972.