

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19238  
Docket Number CL-18954

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6815)  
that:

1) Carrier violated, and continues to violate, the rules of the Clerks' Agreement at Davis Junction, Illinois when on the Saturday rest day of the Clerk position, it assigns work regularly assigned to and performed by the occupant of the Clerk position on 5 days per week, Monday through Friday, to the Yard Conductor who is an employee not covered by the Clerks' Agreement.

2) Carrier shall compensate employee D. G. Horn for eight (8) hours at the time and one-half rate of Clerk Position 92100 for each Saturday retroactive 60 days from May 13, 1969 and for each Saturday thereafter on which the violation continues.

OPINION OF BOARD: Claimant has not shown that Carrier improperly assigned work of his class to a conductor in violation of the Scope Rule, or that the conductor performed work on Saturday which was a violation of the Unassigned Day Rule. Therefore the claim must be denied.

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.

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Claim denied.

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By Order of Third Division

ATTEST: E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of May 1972.