

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19277
Docket Number CL-19090

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline & Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Duluth, Missabe and Iron Range Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (6926) that:

(1) The Carrier violated the effective Agreement, specifically Rule 1, Scope, and Rule 2, Definition of Clerical Workers, when work of Carrier employees of this Craft and Class was performed by Supervisory employees of the Carrier.

(2) Claimant John L. Tronsdal shall now be compensated for 8 hours' pay at the rate of time and one-half for each date November 24, 25, and 27, and December 9, 1969; Claimant L. L. Mattson for 8 hours' pay at the rate of time and one-half for each date November 24, 26 and 27, 1969; and Claimant J. W. Hedin for 8 hours' pay at the rate of time and one-half for each date November 25 and 26, 1969.

OPINION OF BOARD: This claim is based on an alleged violation by Carrier in permitting supervisory personnel to perform Clerk's work at the Carrier's ore dock office at Duluth, Minnesota.

Claimants were holders of Input-Output technicians positions. In October and November of 1969, Carrier reduced substantially the number of Input-Output technician positions. Following the force reduction effective November 24, 1969, supervisory personnel performed certain functions on the claim dates that Claimants allege was routine clerk's work. They urge that the force reduction resulted in Claimants being unable to handle the work load which prompted the Carrier to let supervisory personnel detect and handle input errors on the 1050 machine.

The Carrier responds that the work complained of was "in addition to and not in lieu of the normal routine of the Input-Output technicians duties".

During the handling on the property the Carrier responded in detail to the Claimant's allegations. The record reveals a lengthy explanation of the Carrier's actions. Specifically the Carrier's Superintendent stated that errors in vessel shipment statements in late November prompted the Carrier to send supervisory personnel to the Duluth ore dock Office to determine the action to be taken to re-establish valid current records and do comparison and analysis work to determine the corrections necessary for current and prior shipments. The Superintendent further stated that on November 24, 1969, the regular forces were assigned overtime work to make the necessary corrections directed by supervisory personnel.

The record does not reflect that on the property the Claimants put forth anything but a general allegation that the work performed by the supervisory personnel was part of the regular clerical routine duties at the Duluth ore docks. This is not sufficient. It is incumbent upon the Claimants in order that they sustain their burden of proof they support their allegations. As it is the record reveals only a well conceived theory.

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 claim should be dismissed.

A W A R D

Claim dismissed for lack of proof.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E.A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of June 1972.