

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19339  
Docket Number CL-16907

Robert M. O'Brien, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(New Orleans and Northeastern Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6171)  
that:

(a) Carrier violated the Agreement at Laurel, Mississippi, when it abolished clerical positions and turned the work over to the Agent who is performing approximately eight (8) hours scheduled clerical work every day.

(b) Carrier shall be required to compensate Mr. J. A. Mallett at his pro rata rate for each of the following dates: April 2, 3, 13, 14, 15, 16, 17, 27, 28, 29, 30, May 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 20, 21, 25, 26, 27, 28, 29, June 1, 2, 3, 4 and 5, 1965.

OPINION OF BOARD: The claim alleges a violation of the Agreement when Carrier abolished a general clerk position at Laurel, Mississippi, and allegedly assigned clerical work to the Agent, an employee not covered by the Agreement.

The Carrier contended on the property and in its submission to this Board that the Agent at Laurel, as well as all other agents on the N.O. & N.E. and Southern Railway (covered by same Agreement) had always performed any and all kinds of clerical work, and that the Agent at Laurel and the remaining clerical force could satisfactorily perform the remaining work after abolishment of the general clerk position.

The Petitioner has offered no probative evidence to overcome the contention of the Carrier or to prove that the work involved is reserved to clerks. The claim will, therefore, be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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;

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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. G. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of July 1972.