

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19402
Docket Number CL-17727

Gene T. Ritter, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Penn Central Company Southern Region
((Formerly New York Central Railroad - Southern District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6441)
that:

1. Carrier violated the Rules Agreement, specifically Rule 1 and the February 7, 1965 Agreement, at Urbana, Illinois, on August 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29 and 30, and September 2, 3, 4 and 5, 1966 when it assigned to Telegraph Operators the work of calling crews, work that has been exclusively and historically performed by Clerk-Callers who are covered by the Clerks' Agreement.

2. Carrier shall now be required to compensate Mr. J. W. Gossett for a two-hour call at rate of \$22.673 per day for each and every day as listed above.

3. Carrier shall now be required to assign to employees within Clerks' Agreement all duties of calling crews and all related work.

OPINION OF BOARD: The dispute in this case involves the question of whether or not Clerks have the exclusive right to crew-calling work where Clerks are not employed or are not on duty at the time a crew is needed. In the instant dispute, Carrier has used Telegraphers to perform the work of crew-calling on the claim dates. The Organization contends that under the Scope Rule and because of past history prior to July 20, 1966, Clerks exclusively performed crew-calling duties. Carrier contends that this type work is not exclusive to Clerks. The Organization further contends that this assignment of work to Telegraphers is in violation of Article III, Section 1, of the Mediation Agreement dated February 7, 1965.

The record in this dispute discloses that Telegraphers have historically performed crew-calling work at various points on this property, including Urbana, Illinois. Crew-calling by Telegraphers in this instance does not constitute a violation of the Clerks' Agreement. This claim will be denied.

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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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E A Kellen
Executive Secretary

Dated at Chicago, Illinois, this 15th day of September 1972.