

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19630

Docket Number CL-19557

Alfred H. Brent, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(St. Louis - San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7041)  
that:

(1) Carrier violated the Agreement between the parties at Birmingham, Alabama on July 7, 1970 when it used a junior employe on overtime to perform the duties regularly assigned to and performed by the senior employe, Claimant R. M. Andrews.

(2) Carrier shall now compensate Mr. R. M. Andrews for two hours pay at the overtime rate of Position No. 10, Switching Order Clerk for July 7, 1970, rate of pay \$28,5899 per day account this violation.

OPINION OF BOARD: The Organization contends that on the date of the claim a Junior Steno-Clerk performed duties which were assigned to the claimant's position, for which the claimant should have been called to work and asks for payment of two hours at the punitive rate of the Switching Order Clerk position.

The facts in this case are somewhat in conflict. Although the Carrier contends that the Junior Steno-Clerk was authorized to work overtime to perform duties connected with the position of Junior Steno-Clerk, the record indicates that during her regular tour of duty she was required to make out credit letters, which was not one of her duties, and, as a consequence, was required and authorized to work overtime to complete her own assigned duties. This conflict in the record is not material to disposition of this claim.

The record indicates that work which had been assigned to the Switching Order Clerk position since August 1969, under the supervision of the Chief Clerk-Cashier, was in fact performed by the Junior Steno-Clerk, to the claimant's detriment. This Board finds that the contract was violated because overtime work for the Switching Order Clerk position was necessary and was assigned to others outside the class in violation of Rule 48.

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

The Agreement was violated.

A W A R D

The claim is sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1973.