

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23055
Docket Number CL-22991

George S. Roukis, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline & Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(The Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8808) that:

(a) The Carrier violated Rule 1 and others of the Clerks' General Agreement on June 7, 1974 when they required and allowed Assistant General Yardmaster Baker to transport lists from the IBM Room to Hump.

(b) Claimant G. A. Cousino now be allowed eight (8) hours pay at the pro rata rate of \$41.18 per day account Mr. Baker performing clerical duties.

OPINION OF BOARD:

In a companion claim, Award No. 23053 initially filed by the Organization on April 10, 1972 involving the same Organization and Carrier and the same issue, we found that the work of delivering switch lists, bid slips and time slips between the Walbridge IBM Room and the Hump Office or from the Hump Office to the "C" or "D" Tower did not belong exclusively to the clerical employees.

In the instant claim filed on June 7, 1974, Petitioner asserts that Carrier violated the Scope Rule and others when it permitted the Assistant General Yardmaster to transport lists from the IBM Room to the Hump. It is an identical claim to the April 10, 1972 petition referenced above in that the pneumatic tube system was inoperative on June 7, 1974 thus requiring the delivery of switch lists from the IBM Room to the Hump.

In our review of this case, we recognize that claimant oftentimes delivered switch lists where the pneumatic tube system was down, but it was not work exclusively reserved to the Clerk's Organization. There is no Agreement basis or institutionalized past practice that would support a positive finding of work exclusivity, since other crafts performed this precise work, incidental to their primary duties when the pneumatic tube system was dysfunctional. The record including the job sheet for position A-351, does not show that the delivery of switch lists, etc. between the

geographical locations noted in the claim was performed exclusively by the clerks and we are compelled by this finding and our decision in Award No. 23053 to deny the claim.

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:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of November 1980.

