

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23838
Docket Number CL-23352

Carlton R. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,
 { Freight Handlers, Express and Station Employees
 { Soo Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
 (GL-8965) that:

(1) Carrier violated the effective Agreement, specifically Rules 1, 2, 6(a), and 49, when Carrier employes not of this Craft and Class performed the duties of the Assistant Chief Yard Clerk on each shift from Sept. 26 through Sept. 30, 1977.

(2) Claimants are Assistant Chief Yard Clerks and they shall be compensated on each of the specified dates at the rate of time and one-half at the Assistant Chief Yard Clerk's rate of pay.

C. Lunderborg: Sept. 26, 27, 28 and 30, 1977.
R. Gagne: Sept. 26 and 27, 1977.
E. Hanlin: Sept. 26, 27, 28, 29 and 30, 1977.
L. Staeden: Sept. 28, 29 and 30, 1977.
L. Boog: Sept. 30, 1977.

OPINION OF BOARD: Claimants allege that yardmasters performed work customarily and historically performed by clerical employes at Shoreham during the period September 26, 1977 until October 1, 1977 when the work was again performed by clerical employes.

The Carrier disagrees that the specific work was performed exclusively by clerical employes at Shoreham and further pointed out other locations in the system where "blocking", the work at issue, is performed by yardmasters.

There is some confusion in the record as to the exact nature of the work being complained of and the exact functions which have been allegedly performed by the respective parties.

However, since this dispute involves the alleged performance of clerk's work by yardmasters in violation of the agreement between the parties, the claimants, in order to prevail, must prove that historically, traditionally, usually, and customarily, the work in question has been exclusively performed by clerks on the carrier system. See Awards 12360 and 12897.

A complete review of the record reveals that the claimants have failed to satisfy their burden of proof that the work involved was exclusively performed by the clerks on the carrier system, and the claim will be dismissed for want of sufficient evidence.

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 has not been violated.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of March 1982.

