

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24203  
Docket Number CL-23982

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and Steamship Clerks,  
{ Freight Handlers, Express and Station Employees  
{ Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9432)  
that:

1. Carrier violated the terms of the effective agreement between the parties, particularly Rules 1, 14, and 36, beginning September 10, 1979 and continuing thereafter, when it required Clerk B. W. Swan, Chicago, Terminal to suspend work on his regular position to perform other work under conditions which were prohibitive in accordance with existing understanding, and;

2. Carrier shall compensate Clerk B. W. Swan for eight (8) hours pay for September 10, 1979, and each subsequent date such violation occurs, or until such violation is corrected.

OPINION OF BOARD: Claimant herein was regularly assigned to the position of Stowman/Clerk at Carrier's Landers Yard, Chicago, Illinois.  
The advertised duties of this position consisted of:

"Cleaning cars, Laborer duties, Janitorial duties, provide relief at Landers TOFC, tying down trailers and other related duties."

Beginning on or about Sept. 10, 1979 and continuing into the early part of November 1979, Claimant was utilized, during his regular tour of duty, to pick up spare brake shoes and other miscellaneous scrap material in Landers Yard, resulting in the Claim herein.

Petitioner has argued vigorously that Rules 1 - Scope, 14 - Filling Temporary Vacancies and 36 - Absorbing Overtime, supports its position. Carrier, on the other hand, has argued that Rule 36 was not cited during the handling on the property and furthermore Claimant performed only work during his regular tour of duty which was included in his advertised duties.

The Board has carefully considered all of the arguments, contentions and citations advanced by the parties in this dispute. From the entire record we are unable to find support for Petitioner's contentions. The record indicates that Claimant performed only the general type of work which is contemplated by his job description. There is no support for the Claim in the cited Rules and it must be denied.

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: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of March 1983.

