

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25390

Docket Number CL-24765

Rodney E. Dennis, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees

PARTIES TO DISPUTE:

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(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9638) that:

(1) Carrier violated Clerk-Telegrapher Agreement, beginning with date of May 27, 1980, when it caused and permitted employees not covered by said Agreement to perform work and functions in connection with the operation of a Cathode Ray Tube keyboard display printer device used for transmitting and/or receiving, either or both, information or communications of record at Grafton, West Virginia, and

(2) Because of such impropriety, Carrier shall be required to compensate Mr. B. L. Jones, first-trick Wire Chief, Grafton, West Virginia, eight (8) hours' pay commencing May 27, 1980, and continuing each subsequent date until the foregoing recited violations of the Agreement cease.

OPINION OF BOARD: On May 27, 1980, Carrier implemented computerized car distribution over its entire system. At the same time, it installed CRT machines in all Car Utilization Superintendent Offices. One such machine was installed in the office of the Car Utilization Superintendent at Grafton, West Virginia. Organization contends that the Superintendent and two other noncontract employees use the CRT display printer and, as such, are performing work incidental to tracking railroad cars, work that was formerly performed by Claimant. Organization considers this a violation of the Scope Rule of the Controlling Agreement and submitted a claim on behalf of Claimant for eight hours pay for each day the violation continues. Carrier denied the claim at each level and it has been progressed to this Board for final adjudication.

The Carrier takes the position in this instance that no Agreement Rule exists that would prohibit the employees in the Car Utilization Office from using the car information that is displayed by the tube. All information contained in the system is input by Clerks. The car information shown on the tube was formerly obtained by the Wire Clerk from a Bourgeois Machine in his office, put in written form, and given to the car utilization people for their use. The new system eliminated the need for the Wire Clerk to put the information in usable form. It can now be obtained by just viewing the CRT screen. Carrier contends that Organization cannot present a convincing case that the utilization of CRT machines is within the exclusive province of the Clerks and no Scope violation has taken place.

This Board has carefully reviewed the record of this case and the Awards submitted by the parties. We must conclude from this review that the Organization has not carried its burden of proof in this instance and that the claim should be denied. Noncontract personnel have obtained information needed for their work from CRT displays for many years in the railroad industry. Utilization of those machines by other than Clerks has been challenged on many occasions. The line of decisions on this issue, however, seems to treat CRT units as labor saving devices and generally allow the user of the information to take it off the tube. We find no fault with that concept.

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


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1985.