

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26715
Docket Number CL-26706

Edward L. Suntrup, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10043) that:

1. Carrier violated the effective Clerks' Agreement when on August 28, 29, October 1 and 2, 1984, it required Stenographer Clerk Florence Wilms to perform the duties of the former Assistant Bookkeeper position, a higher rated position than her own, without payment of such higher rate;

2. Carrier shall now compensate Ms. Wilms for the difference between the rate of pay of her position and that of the former Assistant Bookkeeper position for each of the above dates."

OPINION OF BOARD: On October 25, 1984, a Claim was filed on the grounds that the incumbent holding the Stenographer-Clerk Position No. 554 was "...observed..." doing the work of the former Assistant Bookkeeper Position No. 502 on the dates of August 28 and 29, 1984. The latter position had been abolished by the Carrier effective April 6, 1984, because "...insufficient work requirements remained to justify and maintain" both Positions 502 and 500. The latter is that of General Bookkeeper. The former duties of Position 502 were rolled into that of Position 500, into various clerical positions, or were eliminated because of automation. It is the Claim in this case that the duties performed by the Stenographer-Clerk on the dates at bar really belonged to Position 500, after the realignment of duties following the abolishment of Position 502, and that the Claimant should be paid the difference between the rate of Position 554 and 502 for the hours in question. What was the work done by the Claimant on August 28 and 29, 1984? The Claim stated that it was "...detailed work on Exhibit D in preparation (for) the (monthly) financial statement." In correspondence on property, the Carrier's officer designated the work as "...copy work and filling in data on monthly exhibit sheets." The Organization has not taken exception to this description of the work.

When Position 502 had been abolished the Carrier wrote to the Organization's General Chairman that certain "...miscellaneous" duties of that position done on a "...time permitting basis" were being transferred to other clerical positions in the Accounting Office. These duties included "...copy work, mailing bills and reports, filling in data on various monthly exhibit sheets and other such incidental duties." From the evidence of record it appears that this is the type of work which the Claimant was doing on August 28

and 29, 1984, and as such these duties belonged, therefore, to her and/or other such positions and not to Position No. 500.

The instant Claim is substantively similar to those filed by the Organization before Public Law Board No. 3841, Cases 1 and 3. The conclusion of the National Railroad Adjustment Board in this case parallels that of that Public Law Board when it issued Awards 1 and 3. The evidence of record here, as in those cases, fails to warrant the conclusion that the duties performed were other than clerical duties.

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 23rd day of November 1987.