

The Third Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(Bessemer and Lake Erie Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-9844) that:

1. Carrier violated and continues to violate the effective Clerks' Agreement when, on or about July 1, 1982 and thereafter, it required and/or permitted employees not covered thereby to perform work in connection with the preparation of car repair records which is reserved to clerical employees;

2. Carrier shall now compensate the senior available furloughed employee eight (8) hours' pay at the pro rata rate of the position of AAR Billing Clerk commencing sixty days prior to September 3, 1982, and continuing for each and every day thereafter that a like violation occurs, and shall further reestablish an AAR Billing clerk position at Greenville, PA."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

As Third Party in interest, the Brotherhood Railway Carmen of the United States and Canada was advised of the pendency of this dispute, but chose not to file a Submission with the Division.

On September 3, 1982, the Organization filed what is characterized as a continuing claim charging that beginning on July 1, 1982, the Carrier transferred clerical work to Carmen. While it denied assigning Carmen any work reserved exclusively to employees covered by the scope of the Agreement, the Carrier acknowledged that it changed the forms and process for reporting foreign car repair information, but the new system was instituted on May 1, 1982.

Before the change, a Car Inspector or Car Repairman completed the Original Record of Repairs, a form with a printed list of commonly performed car repairs. The Car Department employee entered basic data identifying the foreign car which was repaired in the Carrier's Shop and he marked the type of repairs made as well as parts applied to the car. The Carman next forwarded the Original Record of Repairs to an AAR Billing Clerk who issued the information to complete Form No. 23-002C entitled "Billing Repair Card." Basically, the Billing Clerk translated the effectuated repairs, noted on the Original Record of Repairs, into codes for quicker processing by a Key punch Operator. The Operator was responsible for inputting the coded car repair data into a computer which generated a bill to send to the foreign line.

In either May or July of 1982, the Carrier substituted Form SCD-26 (titled "Billing Repair Card") for the Original Record of Repairs. It eliminated Form No. 23-002C. On Form SCD-26, a Carman provided car and car repair information, but in a coded format instead of marking a printed list of repairs. The new form was then sent directly to the Key punch Operator. Bypassing the AAR Billing Clerk triggered the instant claim.

A careful review of the record reveals that the change in reporting and processing foreign car repair information resulted in the elimination of transcription work formerly performed by the AAR Billing Clerk. Prior to the modification, the AAR Billing Clerk merely converted the raw data furnished by a Carman into a coded form for computer input. In particular, the Clerk did not add any substantive information to the data already provided on the Original Record of Repairs. The introduction of Form SCD-26 rendered it unnecessary for the AAR Clerk to transpose data since the same data always supplied by a Carman was now in form acceptable for the Key punch Operator. The change in forms did not result in the accrual of additional work to Car Repairmen. They continued to report the same car repair data on a single form. Thus, the Carrier simply eliminated a duplicative, intermediate step in the processing of foreign car repair information. See Third Division Award 23458. Although the AAR Billing Clerk lost a modicum of work, the work vanished as opposed to being transferred to strangers to the Agreement.

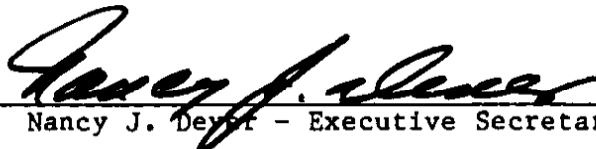
Inasmuch as we are denying this claim on its merits, we need not address the Carrier's contention that this claim was untimely filed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.