

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
GL-10142 that:

(1) Carrier violated the provisions of the current Clerks' agreement at Oklahoma City, Oklahoma, on October 9, 1985, when it required and/or permitted an employee that is not covered by the rules of the Agreement to perform routine schedule clerical work, and

(b) M. L. Hauck shall now be compensated for one call payment (three pro rata hours) at the rate of Control Clerk Position 6162 for October 9, 1985, in addition to any other compensation Claimant may have received for this day."

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.

On September 24, 1985, Carrier installed a new electronic computerized weigh-in-motion scale at Flynn Yard in Oklahoma City. By installing this scale, Carrier eliminated the need for a Clerk to weigh cars. Instead, in this instance, a Switchman weighed cars.

At issue here is the question of whether only Clerks can weigh cars at the Flynn Yard in Oklahoma City.

This Board has reviewed the material presented and we are compelled to conclude that the Organization has not carried its burden of demonstrating that only Clerks have exclusively weighed cars on a systemwide basis or at Oklahoma City. This is a Scope Rule Claim where the Organization has failed to meet the exclusivity test required of it. The Board has no recourse, but to deny the Claim.

Form 1  
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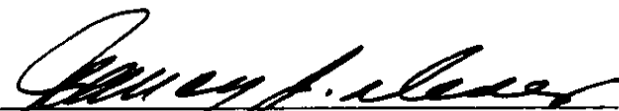
Award No. 27827  
Docket No. CL-27546  
89-3-86-3-833

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 13th day of April 1989.