

The Third Division consisted of the regular members and in addition Referee George S. Roukis 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-10178) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at San Diego, California on April 29, 1986, when it required and/or permitted an employe that is not covered by the Agreement to perform routine clerical work, and

(b) R. L. Townsend shall now be compensated four (4) hours pay for April 29, 1986, at the time and one-half rate of Car Clerk Position No. 6220, in addition to any compensation Claimant Townsend 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 employe or employes involved in this dispute are respectively carrier and employes 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.

In a companion case, Third Division Award 28354, involving the same parties and the same issue herein, the Board concluded that a violation did not occur when a non-agreement employee performed work that was integral to the distress function performed by the Quality Control Field Supervisor. In other words, while the Board held that the preparation of the Uniform Exception Report accrued to the clerical craft, the Board also held the disputed work was different in nature from the preparation of this report.

Award No. 28407
Docket No. CL-27947
90-3-87-3-498

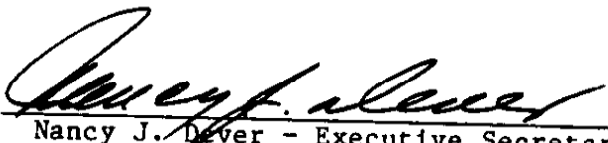
In the case herein, the Organization charged that Rules 1 (Scope) and 2 (Grade of Work) among others were violated when an exempt supervisor performed damage inspection on Trailer SFTZ at San Diego, California on April 29, 1986, but based upon our close and careful reading of the record, we cannot conclude that the work differed from the work in Award 28354. Accordingly, we are compelled to deny the Claim.

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 25th day of May 1990.