

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig 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-10363) that:

1. Carrier violated the rules of the current Clerks' Agreement at San Bernardino, California on March 29, 1988, when it failed and/or refused to compensate Mr. Nikodem for being diverted from his position to another position, and

2. Claimant shall now be compensated (8) eight hours' pay for this day of March 29, 1988, in addition to any other compensation he 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.

The essential facts in this case show that the Claimant was the regular assigned occupant of Crew Clerk Relief Position No. 9430, Station Department, San Bernardino, California. The Claimant worked on Sunday, Monday, Tuesday, Friday and Saturday with rest days Wednesday and Thursday. His main assignment for four days is to call crews. On the fifth day, or the "tag-in-day," the Claimant performed duties such as answering time claims and any other duties which were assigned.

The matter that triggered this Claim arose on March 29, 1988, (which was the "tag-in-day" for the Claimant), when he was assigned to Position No. 6073 because the regular occupant had laid off sick. In that assignment, he was asked and performed crew calling duties work like those that he normally performed in his regular assignment.

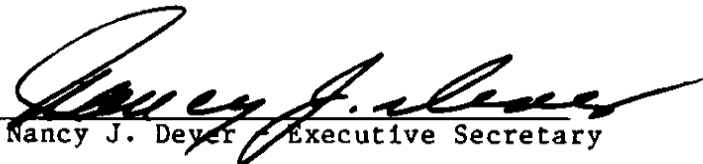
The controlling question and the key in this case is whether the Claimant was diverted from his regular assignment. We find that we cannot agree with the Organization's contentions. Clearly the "tag-in-day" is used to perform work within the craft, but with no specific duties. Simply because he performed work on March 29 which is normally assigned to his regular position, cannot be considered a diversion of work.

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 16th day of October 1990.