

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 28882  
Docket No. CL-29267  
91-3-90-3-290

The Third Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(  
(CSX Transportation, Inc.

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
(GL-10463) that:

1. Carrier violated the Agreement when it failed and/or refused to call the Senior Available Employee, or an extra clerk, to perform extra clerical work done by a Supervisor.

2. Carrier shall now compensate the Senior Qualified Available Employee, extra in preference, at the Crew Caller's rate of \$112.08 for each day of violation, beginning on January 16, 1989, and continuing until such time as the work is returned to the clerical craft."

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.

According to the Organization, Crew Callers at Sibert Yard, Mobile, Alabama, were assigned the duties of checking the trip cards of trainmen for personal leave days and for engineers of guarantee days until January 16, 1989. On that date, the Carrier transferred crew calling duties to a central location in Jacksonville, Florida. The Organization alleges this aspect of the Crew Callers' work is still being performed at Mobile, but by supervisory employees who are not covered by the Agreement.

The record before the Board reflects that information regarding the day-to-day status of engineers and trainmen had been recorded in a log by the Crew Callers before the introduction of computerization. When claims for

Computerized tasks - the program eliminates the tasks.

personal leave days or guarantee days were made, the Crew Callers would check this log to determine if the claim dates were proper, whether or not the employee was available, and whether or not the employee was, in fact, off on a personal leave day. If these facts supported the Claim, the Crew Caller would mark the claim "OK" and initial it. The Carrier asserts Supervisors were responsible for making the final determination as to the validity of the claims.

Once computers became a part of the crew calling process, there was no longer a need to maintain a log of the status of engineers and trainmen by hand. This information was part of the data available through computer programs known as PRTI and PRLM. Consequently, the factual data to support or deny a Claim could be obtained by making an inquiry through those programs. This is now done by Supervisors, giving rise to the Claim herein. The Organization claims this is a violation of Rule 1 - Scope Rule, which reads, in pertinent part, as follows:

"(a) This agreement shall govern the hours of service and working conditions of employees engaged in the work of the craft or class of Clerical, Office, Station, Tower, Telegraph Service and Storehouse Employees, subject to exceptions noted herein.

(b) Positions or work covered under this Rule 1 shall not be removed from such coverage except by agreement between the General Chairman and the Director of Labor Relations. It is understood that positions may be abolished if, in the Carrier's opinion, they are not needed, provided that any work remaining to be performed is reassigned to other positions covered by the Scope Rule."

Based upon the record before the Board, we cannot conclude that Crew Callers, prior to this Claim, were responsible for approving or denying the engineer and trainman claims. Rather, they verified that certain criteria were met, according to the information maintained in the daily logs. The final approval or denial of the claims was made by the Supervisor, who signed the Trainmaster's name on the claims and forwarded them for payment. If the Crew Callers had full responsibility, the claims would not have to be reviewed by the Supervisor.

The task which is no longer performed is the review of the daily log to determine if the criteria have been met to validate the claims. As noted above, this information is now directly available from the computer using the PRTI and PRLM programs. The issue, therefore, is whether or not the Supervisors may access this information directly through the computer.

It does not appear the work previously performed by the Crew Callers has been transferred to the Supervisors. It is actually now being performed by the computer. In other words, the work no longer exists because the computer has made the task unnecessary.

The issue of obtaining data from a computer terminal rather than from a Clerk was addressed in Third Division Award 25390. In that case, the Board wrote:

"The Carrier takes the position in this instance that no Agreement Rule exists that would prohibit the employees in the Car Utilization Office from using the car information that is displayed by the (cathode ray) tube. All information contained in the system is input by Clerks. The car information shown on the tube was formerly obtained by the Wire Clerk from a Bourgas Machine in his office, put in written form, and given to the car utilization people for their use. The new system eliminated the need for the Wire Clerk to put the information in usable form. It can now be obtained by just viewing the CRT screen...

We conclude from this review that the Organization has not carried its burden of proof in this instance and that the claim should be denied. Non-contract personnel have obtained information needed for their work from CRT displays for many years in the railroad industry. Utilization of those machines by other than Clerks has been challenged on many occasions. The line of decisions on this issue, however, seems to treat CRT units as labor saving devices and generally allow the user of the information to take it off the tube. We find no fault with that concept."

The principle upon which Award 25390 was based is applicable to this Claim. Accordingly, we must 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 30th day of July 1991.