

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

(Transportation Communications International Union  
PARTIES TO DISPUTE: (  
(CSX Transportation, Inc.  
(Formerly The Louisville and Nashville Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
(GL-10438) that:

1. Carrier violated the Agreement at Mobile, Alabama on October 9, 1988 when it allowed and/or required an employee at Birmingham, Alabama, to perform work assigned to the Transportation Service Center at Mobile, Alabama.
2. As a result of the above, the Carrier shall be required to compensate the Senior Available Employee, extra in preference, one (1) day's pay at the rate of the RWC/AWS Clerk at Mobile, Alabama, a total of \$114.32."

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.

The main issue in this case is whether the Carrier impermissibly allowed Birmingham, Alabama, clerical employees on Seniority District 7 to perform certain waybilling functions instead of assigning the work to clerks at the Transportation Service Center (TSC) at Mobile, Alabama. The Mobile TSC is located on Seniority District 9. An ancillary issue is whether a supervisory employee performed waybill work reserved to the class and craft of clerical employees under the Scope Rule.

Subsequent to the transfer of clerical work into various centers, Mobile TSC Clerks prepared waybills for cars originating in Monroeton, Alabama. In early October 1988, and for some unknown reason, four cars moved without waybills from Monroeton to Birmingham. At Birmingham, clerks noted that the cars were "no bills" and ascertained the correct billing information. Next, a fully covered clerical employee billed three of the cars while a Supervisor-Agent billed one of the cars. The Organization charges that TSC Clerks at Mobile should have performed these waybill functions.

The Carrier concedes that if the cars were located at Monroeton or at any other point within the jurisdiction of the Mobile TSC at the time the waybills were prepared, it would have been improper for Birmingham clerical employees to bill the four cars. However, once the cars arrived in Birmingham without bills, the Carrier contends that Birmingham clerks became responsible for searching for the appropriate billing information and preparing waybills. We agree. The preparation of waybills for "no bill" cars properly lies with the clerks who discovered that the cars lacked waybills and work at the office which services the point where the cars are located when they are noted "no bills." In sum, the work properly accrued to the jurisdiction of Birmingham clerks. The Carrier did not transfer any clerical work from Seniority District 9 to Seniority District 7.

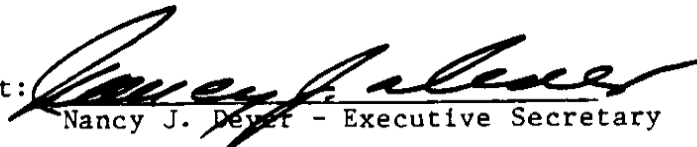
Nevertheless, the evidence demonstrates that a supervisor improperly prepared one of the four waybills. The supervisor intruded into work reserved to the class and craft of clerical employees under Rule 1(b). The record reflects that it took the fully covered employee and a supervisor an aggregate of a little more than three hours to prepare the four waybills. Therefore, we will award one hour's pay to Claimant, which covers the approximate amount of time that the supervisor spent to find the billing information and prepare one waybill. The Carrier shall pay Claimant one hour's pay at the straight time rate in effect during October 1988.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of April 1992.