

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29398
Docket No. CL-29822
92-3-91-3-190

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(CSX Transportation, Inc.
(former Seaboard Coast Line Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10561) that:

1. Carrier violated the terms of the Scope Rule when it improperly removed the duty of checking and writing up tracks at the TOFC Facility and gave this work to employees not covered by Agreement Rules.

2. As a consequence of the aforementioned violation, the Carrier shall now compensate D. A. Scheibe or the Senior Available clerical employee eight (8) hours' pay, each shift, beginning June 13, 1987, until such work is returned to the employees."

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.

In 1986, the Carrier consolidated TOFC facilities at Moncrief Yard and West Jacksonville into a facility in Jacksonville, Florida. The Organization argues that prior to the consolidation, Inspectors of the various trailer companies were used for the sole purpose of inspecting trailers for mechanical defects. After the consolidation, three clerical positions were abolished and, it is asserted, the checking and verification of inbound flat cars and trailers was transferred to Carrier's Inspectors.

The Organization cites and relies upon Rule 1, its Scope Rule, which precludes the removal of positions or work, and in its claim it cited numerous examples of the alleged violation.

In the initial denial on the property, the Carrier contended that the cited documents were Inspectors' documentation of their visual checks, and inspection of trailers at Jacksonville ramp "...has been performed by non-contract personnel for a number of years and certainly prior to 1981." The Organization does not deny the just quoted assertion, but rather, it argues that the documentation contains a great deal more than a showing of a visual check of trailers.

In essence, the Organization asserts the issue to be the "...listing and verification of inbound flat cars and trailers against advance consists or yard transfers of piggyback shipments."

The Carrier insists that Inspectors have performed the work in question for years by use of a J-1 form.

In our review of this rather extensive record we are inclined to determine that the Clerks have not established the basis for the Claim by the preponderance of the evidence necessary, and we will 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 17th day of September 1992.