

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29626
Docket No. CL-29620
93-3-90-3-600

The Third Division consisted of the regular members and in addition Referee Edward L. Suntrup 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 Organization (GL-10527) that:

- (a) Carrier violated the provisions of the current Clerks' Agreement at Kansas City, Kansas, commencing July 17, 1989 when it permitted and/or required an outside contractor, not subject to the current Clerks' Agreement, to perform routine schedule clerical work, and
- (b) The work which was removed from the scope and operation of the Agreement shall now be restored to the employees covered thereby, and
- *(c) The senior, available, regularly assigned employee (or his successor in interest) in this class of work shall now be compensated eight (8) hours' pay at the time and one-half rate of his position, plus all subsequent wage increases, each day, Monday through Friday, commencing July 17, 1989 and continuing until such violation ceases, in addition to any other compensation he/she may have received for these days.

*NOTE: To be determined by a joint check of the Carrier's records."

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 employe 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.

A claim was filed by the Organization in September of 1989, at the Carrier's Kansas City, Kansas, Station Department, alleging that there was violation of the Agreement when the Carrier used outside forces to do certain clerical work. After the claim was denied by the Division Manager and properly appealed up to and including the highest Carrier officer designated to hear such, this case was docketed before the Board for final adjudication.

The Board has reviewed the extensive record before it in this case and it must conclude, on merits, that the Organization has failed to meet its burden of proof. The claim must, therefore, be denied.

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 8th day of April 1993.