

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33617
Docket No. CL-33654
99-3-97-3-136**

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: (
(Springfield Terminal Railway Company**

STATEMENT OF CLAIM:

**“Claim of the System Committee of the Organization (GL-11696)
that:**

This claim is on behalf of Ms. Beverly Myers, Clerk, Collections Department, Boston and Maine Corporation (Springfield Terminal Railway Company). This Claim [sic] is for the following dates: June 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 26, 27, 28 and 30, 1995. Claim is for four (4) hours at the rate of time and one-half.

Carrier is violating the agreement when it took customers that Mrs. [sic] Myers was handling and gave the work to a non-agreement employee. The non-agreement employee is doing scope clerical work in the collections department each of the days listed above.

Rule 1 of the Agreement was violated, Carrier is allowing a non-agreement employee to perform Ms. Myer’s work.”

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 employee 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 were given due notice of hearing thereon.

In this case, the Carrier candidly conceded that it breached the applicable Agreement when it assigned certain clerical work to employees not covered by the Scope of the Agreement on each of 15 days in June 1995. Claimant, a Clerk in the Collections Department at North Billerica, Massachusetts, seeks four hours of overtime pay for each of the 15 days.

The issue in this case is what is the appropriate remedy.

After carefully reviewing the entire record as well as numerous precedents cited by both parties, the Board concludes that the property remedy is four hours of straight-time pay for each claim date.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 16th day of November 1999.