

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 34025
Docket No. CL-34242
00-3-97-3-808

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(Burlington Northern Santa Fe Railway Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11881) that:

1. Carrier violated the rules of the December 1, 1980 Agreement, beginning February 8, 1993, and continuing each and every workday thereafter, when it permitted or allowed employees of Maintenance of Way Department to perform Timekeeping, Payroll Input, Labor Distribution and Production Reporting duties previously performed by the craft and class of employees represented by the Transportation Communications Union.
2. Carrier shall now compensate the clerical employees standing to be called under Rules 12, 13, 27 and 38 of the Clerks Agreement, eight (8) hours at the rate of \$112.00 per day, commencing on February 8, 1993, and continuing each and every workday thereafter until the practice is discontinued and 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 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.

As part of a computerization program (the RLD System), the Carrier issued laptop computers to Maintenance of Way Foremen. The Foremen now record time and labor information into the laptop. The information is then sent to a computer at a Payroll Input Center which in turn similarly gathers information from Maintenance of Way gangs in a particular division and the information is forwarded to other computer systems in St. Paul, Minnesota. Information starting from the Maintenance of Way Foremen's input is ultimately validated and certified, payroll checks are created, and the Carrier is able to monitor the management of personnel and equipment.

In this claim, the Organization asserts that this timekeeping and administrative work now performed by the Maintenance of Way Foremen for a regional rail and welding gang in the Seattle vicinity improperly took away work previously performed by Scope covered employees prior to the implementation of the computerized system. We disagree.

This type of dispute has been previously decided between the parties in K Board Award 197 at pages 9-10 wherein the Board stated:

"Thus, the issue is whether or not the Work Equipment Supervisor is using the laptop computer to perform functions previously performed by Claimant or whether the laptop computer itself is performing this clerical function which means the Carrier properly eliminated clerical work. After carefully perusing the record, the Board finds that the laptop computer is now automatically performing the tasks formerly performed by a clerical employee.

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The introduction of the laptop computer eliminated the middleman function because the Supervisor communicates directly with the computer instead of through an intermediary. NRAB Third Division Award 28097. . . ."

That is this case. The information is given to the laptop computer instead of to the Clerical employee and the laptop computer and the remainder of the linked computer system performs the work from there. See also, Public Law Board 5555, Award No. 21 (“... it is the Carmen who now use a hand-held instrument to replace the chore of writing information by hand. The entering of handwritten data into the computer was performed by Clerks; that function is no longer required”) and K Board Awards 129 and 148.

“The elimination of work by computer technology is not a transfer of work to strangers to the Agreement.” (See Third Division Award 32765). That holds in this case. The claim will be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 25th day of May, 2000.