

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34145
Docket No. CL-35288
00-3-99-3-54**

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

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

STATEMENT OF CLAIM:

“Claim of the System Committee of the Union (GL-12248) that:

1. Carrier violated Rule 1 and others of the Agreement dated May 6, 1980, beginning on November 18, 1996 and continuing each day thereafter, when it directed or allowed Mechanical Foremen (strangers to the agreement) at the Glendive, Montana Roundhouse to begin entering Mechanical Employees payroll, which is Scope-covered work.
2. Carrier shall now be required to compensate the senior available GREB employee, or if unavailable, the senior available Extra List employee, eight (8) hours pay at a daily rate of \$122.13 (Wage Grade 9), every day, beginning November 18, 1996, and continuing until the work in dispute is returned to the clerical employees at Glendive, Montana.

In the event, no GREB or Extra List employees were/are available, Carrier shall be required to compensate the senior regularly assigned employee(s), pursuant to Rule 37C, for eight (8) hours pay, per day, at the overtime rate of \$122.13 (WGR 9), every day until the work is returned to the clerical employees at Glendive, Montana.”

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 September 1996 the Carrier implemented a new computer system known as Mechanical Time and Tracking Systems ("METTS") at Glendive, Montana. The dispute here under review concerns whether Foremen, rather than Clerks, are "entering Mechanical Employees payroll" data. There is no dispute that Foremen, under previous computer systems, were responsible for verifying and approving such data.

The Board reviewed the extensive argument and citations presented by both the Organization and the Carrier. The most significant point, in the Board's view, is that, prior to the introduction of METTS, Mechanical employees prepared by hand Mechanical Form Nos. 15170, 15171, 15172 and 17173, which were then verified and approved by Foremen and then were processed by Clerical employees.

The Carrier repeatedly states that the preparation of these forms has been eliminated. The Board finds no contradiction to this assertion. Through the METTS system, the Foreman is now presented with a computer display of this same information, which has apparently been entered by Clerical employees at another location. From this display, according to the Carrier, the Foreman performs the same verification and approval functions. Further clerical functions on the now defunct manually prepared Mechanical Forms no longer exists.

As the Organization points out, this has resulted in the abolishment of at least one clerical position at Glendive. In addition, there were apparently significant start-up difficulties in the new program, involving considerable additional time and attention by Non-Clerical employees.

What is lacking in the Organization's presentation is evidence that Non-Clerical employees are required to process the information from the Mechanical Forms noted above, as was previously undertaken by Clerks. The Foreman is now presented with this information on a computer screen for review.

The sole claim before the Board is that Foremen are now "entering" payroll data. While METTS permits Foremen to review such data on a computer screen rather than by examination of manually created forms, evidence is lacking that they are "entering" the data.

AWARD

Claim denied.

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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 19th day of June, 2000.