

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35819
Docket No. MS-36043
01-3-00-3-200**

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

**(William J. Halstead
PARTIES TO DISPUTE: (
(New Jersey Transit Rail Operations, Inc.**

STATEMENT OF CLAIM:

- “(a) The Carrier violated the New Jersey Transit Clerks Rules Agreement, particularly Rules 1, 19(f), or 19(g), 25, 28, 31 and other rules when it assigned the responsibility of accepting Vacation Change Bid requests (see attached form) from Engineers and Assistant Engineers to Claimant, William J. Halstead, Crew Caller, Symbol D223, 3:59 PM, to 11:59 PM, Wednesday through Sunday, One Penn Plaza East, Newark, NJ, during his tour of duty on April 23, 1998.**
- (1) It has long been established, since January 1, 1996, that the handling of such requests was a function assigned to the Manager of Crew Assignments. The attached form itself indicates that such requests should be forwarded to the aforementioned for processing.**
- (2) However, should the Manager of Crew Assignments or his superiors wish to delegate this function to Crew Callers’ positions, then we have to ask that these responsibilities be added to the Crew Callers’ positions in accordance with the applicable Rules (28 and 31) of our Agreement with the Carrier.**
- (b) The Organization contends that, the duties performed by Mr. Halstead on April 23, 1998 were not a normal part of his job**

description, and therefore, the performance of such duties were in violation of the current Rules Agreement.

- (c) The Organization now request that Claimant, W. Halstead, be compensated an additional 8hrs pay at the overtime rate of \$28.46 per hour for April 23, 1998, for the performance of duties outside the scope of his position.
- (d) This claim is presented in accordance with Rule 41 of the Agreement between the parties and should be allowed."

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.

At the time of the dispute that gave rise to this case, the Claimant was employed as a Crew Caller on the 3:59 P.M. to 11:59 P.M. shift at One Penn Plaza East, Newark, New Jersey. During his tour of duty on April 23, 1998, the Claimant was required to complete a vacation bid request form on behalf of a Locomotive Engineer and forward the form to the Crew Office Assignment Clerk for further handling. As a result of being required to perform this task, the instant claim was filed.

The Claimant contends, among other things, that the work in question was work normally handled by non-Agreement employees, and directing him to perform it was a violation of numerous Agreement Rules. As such, he contends that he is entitled to an additional day's pay at the overtime rate.

The claim was denied at all levels. The Carrier asserted that the duties complained of are incidental to the Claimant's job assignment and that no Agreement violation of any type occurred.

After a review of the record and the numerous on-property Awards presented by the Carrier in support of its position (Third Division Awards 35555, 35556, 35557 and 35558) the Board is compelled to conclude that the claim should 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 14th day of November, 2001.