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SPECIAL BOARD OF ADJUSTMENT NO. 167

AWARD NO. 6

Organization's File

101-C-7

Carrier's File

CL-25-55

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

"(1) The Carrier violated rules of the current Agreement with the Brotherhood of Railway Clerks by requiring Mr. Oliver Ross, an employe carried on Seniority Roster of the Chief Mechanical Officer, District No. 14, and Mrs. Veronica Spero, an employe carried on Seniority Roster of the Master Mechanic, Pueblo Division, District No. 23, to perform work belonging to employes carried on Store Department Seniority Roster No. 32.

"(2) Mr. Oliver Ross shall be paid an additional forty hours' pay at the rate of time and one-half his assigned rate of pay for time during the period December 28, 1954 to January 10, 1955, when he was required to suspend work on his regular position on Seniority Roster No. 14 to perform work which belonged to Store Department employes on Seniority Roster No. 32.

"(3) Mrs. Veronica Spero shall be paid an additional nine and one-half hours' pay at the rate of time and one-half her assigned rate of pay for time on January 7 and 10, 1955, when she was required to suspend work on her regular assigned position on Seniority Roster No. 23 to perform work which belonged to Store Department employes on Seniority Roster No. 32.

"(4) Mr. J. A. Witherwax, Clerk at Burnham Store Department, Roster No. 32, shall be paid an additional forty-nine and one-half hours' pay at the rate of time and one-half Sectional Storekeeper's rate of pay for time during the period from December 23, 1954 to January 10, 1955, when above named employes carried on other seniority Rosters were used to perform Store Department work."

FINDINGS: In order to make an estimate of the number of certain diesel locomotive parts it would require for repairs during 1955, the Mechanical Department used its employes to take off from the Cardex records of the Store Department the number of such parts which had been charged to the Mechanical Department during the first nine months of 1954. The work was done in the office where they were regularly employed and this was the first case when that work had been required.

Award No. 6

Claim here is based on the contention that the work of obtaining information from the Store Department Cardex records is the exclusive function of the employees assigned to the work of making the original record.

The work here involved was not reserved to any seniority group by bulletin or practice. While the work of making the entries on the Cardex record belonged to the employees of the Store Department, the records themselves were the property of the Carrier and might be taken and used by any department when needed in connection with its own work.

The Employees rely on Award 5979 of the Third Division. In that Award, Referee Messmore seems to have been controlled by the undisputed statement in the record that the work of abstracting all data from the time sheets normally attached to claimant's position. We find no such situation here.

AWARD: Claim denied.

/s/ Mortimer Stone
Mortimer Stone
Chairman, Neutral Member

/s/ D. L. Clavel
D. L. Clavel
Carrier Member

Wm. J. Donlon
Organization Member