

SPECIAL BOARD OF ADJUSTMENT NO. 192

PARTIES:

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
AND
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 5

STATEMENT
OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) Carrier violated the Clerks' Agreement at Cincinnati, Ohio, when on October 9, 11, 16, 17, 1951, Assistant Regional Accountant J. W. W. Spann priced and extended inventory cards for a total of 18 hours.

On October 3, 4, 8, 9, 15, 16, 23, 24, 25, 1951, Mr. O. J. Payne, Supervisor, compiled Form 955-A and inventory cards for a total of 33 hours 45 minutes.

On October 3 and 8, 1951, Mr. D. A. Kinninger, Supervisor (M of E Department), prepared Form 955-A for a total of 4 hours.

On October 19, 22, 23, 24, 25, 1951, Mr. J. H. Dickeson, Inspector of Accounts, worked on inventory cards for a total of 46 hours and 30 minutes, and

(2) That W. C. Baker, Jr. be compensated at the punitive rate for 102 hours 15 minutes at his daily rate of \$14.66 per day.

FINDINGS:

This claim arises as a result of certain work performed by an Assistant Regional Accountant and two Supervisors in connection with taking and compiling the 1951 inventory.

It is stated in the employees' submission that the crux of this dispute is to determine if the work of preparing Form 955-A, preparing inventory cards, sorting, pricing and extending is work that should be performed by employees covered under the Clerks' Agreement. In essence that is a correct statement of the issue.

It appears that a number of clerks, inspectors of accounts, bureau supervisors, storekeepers and members of stores department forces went into the field with track and signal supervisors, master carpenters and other supervisors to record material. The actual count was made in the field and notes thereof taken. The notes were then brought into the Regional Accounting Office and consolidated on to a form designated as 955-A. The pricing and extending referred to involves indicating on inventory cards the number of units of particular commodities and the unit price thereof which was then extended to determine the total value of material on hand.

The taking of annual inventory is a task of considerable magnitude which by its very nature must be completed within a relatively short period of time. It is shown by the Carrier that during the time of taking this annual inventory the Regional Accounting Office worked a total of 334 hours overtime of which the claimant here worked 52.4 hours.

There is a conflict with respect to what the practice has been in preparing Form 955-A. The Carrier asserts and the employees deny that it has always been the practice for the supervisors to prepare that form from their own notes. That would seem to be the logical way to do it since it would be more difficult for one to take another's notes and consolidate them. With respect to the pricing and extending there is also a conflict. The employees assert that supervisors price and extended indiscriminately, the Carrier asserts that they merely priced on cards on which the Clerks were unable to determine proper prices.

The burden of proving facts sufficient to sustain a claim is upon the asserting party. On this record it cannot be found that the employees have shown by a fair preponderance of the evidence that the supervisors performed any clerical work other than that which was incidental to work which was unquestionably rightfully performed by them in the taking of the inventory. Under these circumstances we find no basis for a sustaining Award.

AWARD

Claim (1), (2) dismissed.

/s/ Francis J. Robertson
Francis J. Robertson
Chairman

E. J. Hoffman
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland this
13th day of January, 1959.