

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. 8

STATEMENT OF Claim of the System Committee of the Brotherhood that:

CLAIM: (1) Carrier violated the Scope and Seniority Rules of the Agreement when it removed routine scheduled work from the Accounting Department at Cincinnati, Ohio, and assigned same to excepted employees in the Personnel Department, and

(2) That Claimants C. F. Steele, Sr., R. R. Myers, T. H. Miles and E. T. Somerset, Clerk-Time Road Train and Enginemen, rate \$16.47 per day, be compensated 41 hours each at their daily rate, on overtime basis.

FINDINGS:

Some time in September, 1949, in connection with claims made by various firemen and engineers account of being held for special service at certain points on the Ohio and St. Louis Divisions, an employee in the Office of the Manager Labor Relations made a check of callers' and other available records and bulletins to determine the carrier's potential liability on said claims. The matter was permitted to lie dormant until some time in 1954 at which time the Organizations pressed the claims again. An earlier settlement had been reached in a similar case on other divisions and the Manager Labor Relations required his office force to apply the formula agreed upon in the earlier settlement to the 1949 check to determine the cost of settlement. It was finally agreed to dispose of the claims on the basis of the figures computed in the office of the Manager Labor Relations and the statement so prepared was forwarded to the Accounting Office and the employees in the Regional Accounting Office performed the work of computing the applicable tax and preparation of time sheet on the final adjustment.

It is apparent from earlier settlements reached on the property that the Organization takes no exception to the excepted employees in the Personnel Department making surveys and checking records in connection with the functioning of that Department. Obtaining, collating and consolidating information in connection with time claims is an inherent part of the functioning of the Labor Relations or Personnel Department. Without a computation of the cost of applying a given formula to data reflected on the 1949 check, the latter would be of little use to the Manager Labor Relations in exercising his judgment with respect to disposition of the claims involved. That computation would be just as essential to the proper functioning of the

Personnel Department as the obtaining of the other information contained in the check. Once having thus prepared the computation for the use of the Manager Labor Relations after the settlement was reached, there was no need to have the same work re-performed by covered employees. Under the circumstances in this case therefore, we find that the computation was properly performed by employees in the office of the Manager Labor Relations. Inasmuch as that is the controversial item in the work of preparing the statements involved, we find no basis for a sustaining Award.

AWARD

Claims (1) and (2) denied.

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

E. J. Hoffman
Employee Member

/s/ T. S. Woods
Carrier Member

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