

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES**
MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE.—"Violation of Rules Agreement effective August 1, 1926, account abolition of Rate and Bill Clerk, Atchison, Kansas, April 14th, 1934, and the creation of Assistant Agent, appointive, rate \$205.00 per month on April 16, 1934; violation of wage agreements effective September 1, 1923, August 1, 1926, and November 1, 1928; claim for restoration of Rate and Bill Clerk, rate \$5.35 per day, effective as of April 16, 1934, and that Mrs. L. E. Bostwick, the original occupant be reimbursed for wage loss sustained, also other employes affected be likewise compensated, and the Chief Clerk be restored to seven day basis and paid for wage loss sustained effective April 16, 1934."

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that—

The carrier and the employes involved in this dispute are respectively carrier and employes 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.

The parties to said dispute were given due notice of hearing thereon.

On April 14th, 1934, position of Rate and Bill Clerk, rate \$5.35 per day was abolished, and effective April 16th, 1934, position of Assistant Agent, rate \$205.00 per month was established. Concurrent with this arrangement, the position of Chief Clerk, rate \$6.24 per day, was changed from a seven (7) to a six (6) day assignment.

An Agreement between the parties, bearing effective date of August 1, 1926, is in evidence and the complainant party cites and relies upon Rule 76 thereof, reading:

"RULE 76. Rates.—Established positions shall not be discontinued and new ones created under a different title covering relatively the same class of work for the purpose of reducing the rate of pay or evading the application of these rules."

It is shown that, on account of the advanced age and physical condition of its Agent, and to meet competitive conditions which necessitate the Agent's absence from his office about fifty percent of his time, the Carrier found it necessary to provide additional supervision in its agency, to reorganize its office and to re-assign certain work therein. There are fourteen (14) clerks and other employes at the Atchison, Kansas Agency, and the duties and work attached to the position of Assistant Agent are comparable with those generally attaching to such positions.

The Third Division finds that the Carrier was justified in creating the position of Assistant Agent, re-organizing the office, and re-assigning the work.

AWARD

Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 2nd day of December 1935.