

Award No. 2056

Docket No. CL-2023

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
SYSTEM,**

including

**GULF, COLORADO AND SANTA FE RAILWAY COMPANY,
PANHANDLE AND SANTA FE RAILWAY COMPANY**

STATEMENT OF CLAIM: *Claim of the System Committee of the Brotherhood that Carrier violated the rules of the Clerks' Agreement when on March 24, 1938 position of Assistant Chief Clerk at Oklahoma City, Oklahoma, rate of pay \$6.64 per day, was abolished and the preponderance of the duties of this position were assigned to the Bill Clerk Position, rated at \$6.15 per day; and*

Claim that Thomas D. Hale, Bill Clerk, Oklahoma City, shall be paid the difference between the Bill Clerk Position rate of \$6.15 per day and the rate for position of Assistant Chief Clerk, \$6.64 per day, which difference amounts to 49 cents per day, for the period from March 24, 1938 to August 16, 1938, inclusive.

EMPLOYEES' STATEMENT OF FACTS: *Effective March 24, 1938, position of Assistant Chief Clerk, Oklahoma City, hours 1 P. M. to 9 P. M., rate \$6.64 per day, was abolished. Duties assigned to this position, as outlined in Superintendent's Bulletin No. 26 dated November 22, 1937 were:*

*Rendering various redball and wheel reports
Handling wires and correspondence
Shippers order bond reports
Form 1579 grain reports
Station requisitions
Forms 400 and 403 carload waybill register
Handling packing house and live stock lineups
Domestic and export bills of lading
Handling stop charges on stop cars for partial unloading or finish loading
Supervise car desk and car carders and any other work which may be assigned.*

On the same date that notice was given the occupant of the Assistant Chief Clerk's position that his position was to be abolished, the Agent wrote the following letter to Bill Clerk Hale:

"Effective Thursday March 24th, your assigned hours are being changed to read from 1 P. M. to 9 P. M., also making the following change in your assigned duties:

claim, finding that the Carrier was justified not only in creating a position as Assistant Agent not subject to the Clerks' Agreement, but also in reorganizing the office and reassigning the work.

Award No. 147 discloses that it was the Board's position that the importance of the duties performed and the amount of time spent on each class of duties governs the determination of the classification and rate of pay.

Award No. 1195 involved a claim that where a position was abolished, and two hours' work therefrom was performed by a lower rated position, a higher rate should be paid. This was denied without referee.

Award 1314 establishes this principle:

"There is no dispute as to the right of the Carrier to abolish a clerical position which is subject to the agreement and distribute that work among other clerks subject to the agreement, at least in so far as such distribution does not make a new position out of any of the positions to which it is given. . . ."

In conclusion the Carrier has shown that the assumption of three hours of the lower rated Car Clerk's work, although taken from a higher rated position by which it had gradually been absorbed over the years, by the position of Bill Clerk does not in any manner justify payment of the rate of the position of Assistant Chief Clerk; that under the facts established in this claim no rule cited by the Employes supports their contention; and that prior awards of this Board sustain the action of the Carrier; therefore, the Carrier respectfully requests that the claim be unqualifiedly denied.

OPINION OF BOARD: Based on all the facts and circumstances of this particular case, the claim of the petitioner will be allowed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claims of the petitioner will be allowed.

AWARD

Claims sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 17th day of December, 1942.