

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 in the re-assignment of work which followed the abolishment of this position, upward of 4'30" of work per day was taken off the Bill Clerk Position, rated at \$6.15 per day, and assigned to and made a part of the work on the Record Clerk Position, rated at \$5.41 per day; and

Claim that Warren B. Leigh, Record Clerk, Oklahoma City, Oklahoma, shall be paid the difference between the Bill Clerk Position, rate of \$6.15 per day, and the Record Clerk Position, rate \$5.41 per day, which difference amounts to 74¢ per day, for the period from March 24, 1938 to August 16, 1938.

EMPLOYEES' STATEMENT OF FACTS: Effective March 24, 1938 position of Assistant Chief Clerk, Oklahoma City, Oklahoma, was abolished and in the re-assignment of the work which followed in order to permit the incumbent of Position titled Bill Clerk, occupied by Thomas D. Hale, to absorb the principal duties and major responsibilities from position of Assistant Chief Clerk, upwards of 4'30" work per day was taken off position of Bill Clerk, occupied by Mr. Hale, and assigned and made a part of the assigned duties of Mr. Leigh, who occupied position of Record Clerk.

The duties and responsibilities which constituted the essence or substance of the position of Record Clerk prior to March 24, 1938 are set out in Bulletin No. 1, issued by the Superintendent on January 5, 1938, advertising this position for bids and were as follows:

Checking yards and rendering 1301 reports.
Lining up and binding all freight office records.
Assisting billing department in lining up waybills.
Making stationery requisitions and taking care of stationery supplies.
Binding record sent to Oklahoma City from nearby stations for binding, and any other work that may be assigned.

teen clerks and other employees in the agency, and the Third Division denied the 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 govern 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 submits that the assumption of three hours of lower rated Expense Clerk's work by the position of Record Clerk, although taken from the higher rated position of Bill Clerk, does not in any manner justify payment of the rate of Bill Clerk, and that no rule in the Agreement between the parties supports the claim; 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 disallowed.

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 employees involved in this dispute are respectively carrier and employees 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 disallowed.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

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