

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Howard A. Johnson, Referee

PARTIES TO DISPUTE:

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

**NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT
(excepting Boston Division)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, New York Central Railroad Company, Eastern District (excepting Boston Division):

1. That Carrier violated the Clerks' Agreement, effective November 20, 1953, when without conference or agreement with the Committee, it abolished the position of Clerk at its Passenger and Freight Station, Richland, N. Y., and assigned the work of this position to employes holding no seniority rights under the Clerks' Agreement and who are subject to a different Agreement.

2. That Carrier be required to restore and fill this position as provided in the Clerks' Agreement, and to reimburse employes covered thereby for all wage losses suffered from date said position was illegally abolished until the above action shall have been effected.

EMPLOYEES' STATEMENT OF FACTS: Prior to November 20, 1953, the force at the Passenger and Freight Station, Richland, N. Y., consisted of:

- 1 Agent (7 A. M. — 3 P. M.)
- 1 Assistant Agent (3 P. M. — 11 P. M.)
- 1 Assistant Agent (11 P. M. — 7 A. M.)
- 1 Clerk (8 A. M. — 5 P. M. with one hour meal period)

Effective November 20, 1953, the Clerk's position covered by the Clerks' Agreement was abolished and the work of this position, i.e., the handling of freight office and warehouse work, baggage and mail to and from trains and patrons, and the performance of janitor's duties, was assigned to the Agent and Assistant Agents who are under the Telegraphers' Agreement.

The singular was used in a figurative sense in referring to the work being absorbed by "a telegraph service employe" as it was in the last paragraph of our letter of May 13, 1954 to the General Chairman (Carrier's Exhibit A-10) reading:

"As we have previously indicated, the Board has held in numerous Awards that an employe under the Telegraphers' Agreement may perform clerical work to the extent of filling out his daily assignment and we will stand on our denial of the instant claim."

However, it was not the intent to imply that where there is more than one telegraph service employe only one of such employes could absorb the work of abolished clerical positions. As a matter of fact the remaining work of all positions under the Clerks' Agreement that have been abolished at Richland since the year 1930 (see Carrier's Principal Point 1) has been absorbed by telegraph service employes. Furthermore, Carrier has hereinbefore shown that the principle established by your Board with respect to telegraph service employes absorbing clerical work without limit except their capacity to fill out their time is not confined to one-man operated stations.

(Exhibits not reproduced.)

OPINION OF BOARD: The position which was abolished in this docket was that of the only Clerk at Carrier's passenger and block station at Richland, New York. His former work was assigned to the only other employes there to fill out their assignments. They were an Agent and two Assistant Agents, each working a different eight hour trick. The work consisted only of the handling of baggage and the performance of some janitorial work.

The record, arguments and facts, as well as the applicable rules, are the same here as in Award 9329 and necessitate the same disposition.

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 Agreement has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 6th day of April, 1960.