

Award No. 10032
Docket No. CL-9906

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Charles W. Webster, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
THE PENNSYLVANIA RAILROAD COMPANY**

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

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rule 4-F-1, when it established three positions of Record Clerk in the Reservation Bureau, New York, N. Y., former New York Division, at the rate of \$348.48 a month, to perform clerical duties that had formerly been performed by the incumbents of four abolished positions of Announcer, rate of pay \$358.75 a month.

(b) The Claimants, D. McCaskie, R. D. Pratt and R. A. King, should each be allowed the difference in pay between the amount they were paid, and the amount they should have been paid, as a penalty, commencing December 1, 1954, and continuing until the violation is corrected.

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representative of the class or craft of employees in which the Claimants in this case held positions and the Pennsylvania Railroad Company—hereinafter referred to as the Brotherhood and the Carrier, respectively.

There is in effect a Rules Agreement, effective May 1, 1942, except as amended, covering Clerical, Other Office, Station and Storehouse Employees between the Carrier and this Brotherhood which the Carrier has filed with the National Mediation Board in accordance with Section 5, Third (e), of the Railway Labor Act, and also with the National Railroad Adjustment Board. This Rules Agreement will be considered a part of this Statement of Facts. Various Rules thereof may be referred to herein from time to time quoting in full.

The Claimants in this case, D. McCaskie, R. D. Pratt and R. A. King, have seniority dates on the seniority roster of the Passenger Sales and Service Bureau, Pennsylvania Station, New York, N.Y., New York Region, in Group 1, which includes the former Reservation Bureau, Pennsylvania Station, New York, former New York Division. The New York Division is

proper trial of this matter, and the establishment of a proper record of all of the same.

All data contained herein have been presented to the employees involved or to their duly authorized representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: On March 12, 1954 the Carrier abolished the position of Announcer. This was done because the Carrier abolished the use of certain equipment whereby the Claimants herein had been making electronic tapes which were used then to give the record clerks notice of the availability of space on certain trains. The duties assigned to said position read as follows:

“DUTIES—Announcer: Keep record of space availability, make recording of space availability consistent with changes in same, pick up and handle necessary forms in connection therewith, reconcile accuracy of recordings with diagrams, prepare ‘B’ forms and other forms in connection with operation, keep daily tabulation of record changes by numbers of units.”

On November 23, 1954, the Carrier advertised 3 positions of record clerk. The duties were detailed as follows:

“RECORD CLERK—Lettering work; keep record of train loadings, prepare weekly records showing percentages, showing increases or decreases in train loadings; prepare records and reports in connection with space allotments; split and handle diagrams by days and place in space file; attend blackboard showing report of trains sold out; handle guides, pertinent information concerning space; make necessary check incident to duplicate sales, no show, and complications; also prepare and handle correspondence incident thereto, order and handle stock, stationery and materials.

“PRIMARY DUTIES:—Collect ‘G’ forms from space files and maintain correct record of availability Record Board. Check diagrams with availability Board to see status coincides.”

As the result of the establishment of the said record clerks’ positions above, the Organization filed a claim that the Carrier was in violation of Rule 4-F-1 which provides:

“Established rates of pay, or positions, shall not be discontinued or abolished and new ones created covering relatively the same class of work, which will have the effect of reducing rates of pay or evading the application of these rules, nor shall the transfer of rates from one position to another be permitted.”

The issue here is basically a fact issue. There is no advantage in setting out in detail why an analysis of the facts lead us to the conclusion that the duties of the record clerk do not cover **relatively** (emphasis ours) the same class of work. It is our judgment that the work of the announcer was sufficiently dissimilar in that the announcers had to have certain voice qualifications, and other technical skills in order to fill these positions, which are different from the record clerks. This being so, there was, in fact, no violation of the Agreement.

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 4th day of August 1961.