

Award No. 11532

Docket No. MS-13747

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

JAMES E. JOHNSON

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Time claim dated January 10, 1961, by said James E. Johnson, account violation of scope rule and rule 3-C-2 (a) Section 1, when the carrier (The Pennsylvania Railroad) abolished clerical position, Symbol No. F-207, at the Altoona, Pa., freight station, rate of pay \$451.69, per month. Time claim dated January 1, 1961 and all subsequent dates until the matter is corrected. The Carrier (The Pennsylvania Railroad) the same day the above position F-207 was abolished appointed a junior clerk to a personal or appointed position and carrying with the appointed position all the duties of abolished position F-207. There were no duties of abolished position F-207, distributed among the other clerks at the Altoona, Pa., Freight Station. Position F-207, was always known as a bid and bump position and was converted into a personal or appointed position, to protect a junior clerk. The Brotherhood of Railway and Steamship clerks gave the carrier the authority to establish a head clerk position, at the Altoona, Pa., Freight Station, but not abolish a position and carry all the duties of the abolished position.

OPINION OF BOARD: The record reveals that there is no dispute between the Carrier and the Organization that partially excepted position of Head Clerk was properly re-established at Altoona Freight Station on January 9, 1961, and the former incumbent of abolished position F-207 was assigned thereto.

The Board further finds that neither the Scope Rule, nor, Rule 3-C-2 (a) (1) were violated in the reassignment of the remaining duties of abolished position F-207.

Under these circumstances the Board has no alternative than to deny the employee's claim.

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 Employee involved in this dispute are respectively carrier and employee 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 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 14th day of June 1963.