

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19664
Docket Number CL-19638

Alfred H. Brent, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(The Western Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7047)
that:

(a) The Carrier has violated and continues to violate the rules of the Clerks' Agreement when it improperly reclassified position of Assistant Chief Clerk, Sacramento, a position covered under all rules of the Agreement, to Chief Clerk, a position partially covered under the Agreement, by reassigning duties performed by the Assistant Chief Clerk position to various excepted positions of Chief Clerk, Transportation Department, and Head Timekeepers.

(b) Mrs. **Andersen** shall now be allowed eight (8) hours pay on each day that the work here involved is performed by occupants of excepted positions beginning August 2, 1970, and continuing until the violation is corrected.

OPINION OF BOARD: The Organization contends that the Carrier violated the Clerks' Agreement when it allegedly either abolished or improperly reclassified the position of Assistant Chief Clerk, Sacramento, a position covered under all rules of the Agreement, to Chief Clerk, a position only partially covered by the Agreement.

The record of the case on the property indicates that the Parties had entered into an Agreement on May 12, 1970 known as "**Implementary Agreement #45**" which, among other things, in fact reclassified the position of Assistant Chief Clerk to the position of Chief Clerk and at the same time increased the rate of pay from \$706.09 to \$825.00 per month. Based on the record on the property this Board must hold that the reclassification of the position of Assistant Chief Clerk, Sacramento to Chief Clerk was accomplished by Agreement of the parties.

Having made the determination that the reclassification was made by Agreement, it is not necessary for this Board to rule on the other contentions advanced by the parties.

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FINDINGS: The Third Division of the Adjustment Board, upon the whole record and **all** the evidence, finds and holds:

That the parties waived oral hearing;

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.

A H A R D

The Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of March 1973.