

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 21001  
Docket Number CL-20977

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and Steamship  
( Clerks, Freight Handlers, Express and  
( Station Employees  
**PARTIES TO DISPUTE:** (  
(Union Pacific Railroad Company  
( (South-Central District)

**STATEMENT OF CLAIM:** Claim of the System **Committee** of the Brotherhood  
(GL-7744) that:

1. The Carrier violated the controlling agreement between the Brotherhood of Railway, Airline and Steamship Clerks and the Union **Pacific** Railroad Company when, on May 25, 1973, the **Rule 1 (e)** position of Chief Clerk to General Yardmaster was abolished from the **8:00** AM shift and the work of the abolished position was assigned to a newly created "Official" position of Assistant to the Terminal Superintendent.

Carrier further violated the agreement when the position of Chief Clerk to the General Yardmaster was established on the 4:00 PM shift without reaching agreement with the Brotherhood.

2. Carrier shall now be required to compensate Claimant W. R. **Pendleton** and all other adversely affected **employees** for wage loss suffered by them due to the Carrier's blatant violation of the Rules of the current Agreement.

**OPINION OF BOARD:** Petitioner's various contentions that certain roles of the Agreement were violated rest on the contention that Carrier's unilateral change in the assigned starting time of a Rule 1 **(e)** Position from 8:00 AM to 4:00 PM constitutes the creation of an additional position within the purview of rule 1 **(f)**. This Board has rejected that contention in Award 18558. The case is governed by general scope rule principles and petitioner has not affirmed the existence of a supporting system-wide past practice of reserving the involved duties exclusively to Clerks. Therefore, we must deny the claim.

**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;

Award Number 21001  
Docket ~~Number~~ CL-20977

Page 2

That **this** Division of the Adjustment Board has jurisdiction  
over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: G. W. Paulsen  
Executive Secretary

Dated at Chicago, Illinois, this 12th day of March 1976.