

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 22666
Docket Number CL-22261

Dana E. Eischen, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8448) that:

Claim No. 1

(1) The Carrier violated the Agreement between the parties when, beginning March 21, 1975, it required incumbents of **six** Clerical positions at Hamilton, Ohio to copy train orders, **and**

(2) Carrier shall increase rates of pay of involved six (6) Clerical positions at Hamilton, Ohio to \$43.47 per day subsequent general wage increases, effective March 21, 1975.

Claim No. 2

(1) The Carrier violated the Agreement between the parties at Willard, Ohio, beginning February 15, 1976, when it required Telegraphers at **"J"** Tower to check trains, and

(2) Carrier shall increase rates of pay attached to positions of Telegrapher at **"J"** Tower, Willard, Ohio **in** the amount of 85 cents per day, plus all subsequent general wage increases, effective February 15, 1976.

OPINION OF BOARD: In this case Carrier blended some Clerk/Telegrapher duties when it required yard clerks to become qualified with the Book of Operating **Rules** and on occasion to handle "slow orders". The Organization alleges violation of Article VIII of the February 25, 1971 National Agreement as well as **Rules** 16 and 17 of the June 4, 1973 Agreement. The essential operative conditions for invoking those respective contractual provisions are not established on this record, to wit: creation of **new** positions and/or abolishment of positions as a result of combining these duties. Nor can we find

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herein that duties of existing positions were materially changed. Accordingly, there is no **contract** support for the claims **and** they must be denied.

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 W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By **Order** of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of December 1979.