

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22676
Docket Number CL-22522

James F. **Scearce**, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station **Employes**

PARTIES TO DISPUTE: (

(St. **Louis-San** Francisco Railway **Company**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8591) that:

1. Carrier violated the terms of the current agreement between the parties when it failed and refused to accord **Ms. F. E. Bowie, B. J.** Page, D. N. Jenkins or T. S. Black preference in the assignment to position of Secretary to the District Manager of Sales at Memphis, Tennessee, over an employee who held no rights under the scope of the agreement and, in fact, was not employed by the St. **Louis-San** Francisco Railway Company at the **time** the vacancy was created.

2. Carrier shall now be required to compensate Ms. **B. J.** Page an additional day's pay beginning April 18, 1977, at the rate of the secretarial position which she was denied until she was assigned the position on Monday, August 8, 1977.

OPINION OF BOARD: This case involves a claim for an alleged refusal by the Carrier to place a represented **employee** in a non-represented position, such act&m **involving** a **voluntary** reduction in pay of in excess of \$400 per month.

The pertinent provision of the Agreement merely requires the Carrier to give "preference" to represented **employes** for non-represented positions such as the one in question here. Nothing has been adduced to suggest that the Carrier did otherwise; indeed, until Claimant Page made known her interest by letter dated July 28, 1977, the **record** reflects only a verbal inquiry **on** her part some **months** earlier which was never pursued. There are various assertions by the Organization on the record which need not be explored here; suffice to say that contentions of the Organization offer nothing to persuade this Board that its claim has merit.

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 **Employes** involved **in** this dispute are respectively Carrier and **Employes** 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 is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Pauloz
Executive Secretary

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