

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10090) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Kansas City, Kansas, commencing January 26, 1985, when it required and/or permitted employees not covered by the rules of the Agreement to perform routine clerical work; therefore,

(b) The senior available regularly assigned employee, as herein listed, and/or their predecessors or successors, commencing January 26, 1985, shall be considered the claimant. The claimant shall receive eight (8) hours' pay at the time and one-half rate of Chauffeur II for each shift, 8:00 a.m. to 4:00 p.m.; 4:00 p.m. to 12:00 p.m.; 12:00 p.m. to 8:00 a.m., each day commencing January 26, 1985. Such claim shall run continuously from January 26, 1985, forward, until claim is settled.

<u>Claimant</u>	<u>Seniority Date</u>	<u>Position No.</u>
W. M. Regan	11-09-43	6041
M. W. Mitchell	06-02-44	6032
J. Carrillo	12-06-44	6025
R. C. Gonzales	10-16-45	6004
J. H. Bohrer	09-18-50	6039
J. W. Snyder	09-19-50	6013
D. L. Fairchild	10-09-50	6027
J. D. Velasquez	08-16-51	6044
H. Hitchye	09-17-55	6019
H. L. Harrity	06-19-56	6011
J. Rodriguez	03-23-57	6022

W. F. Eaton, Jr.	04-13-65	6023
R. D. Hoover	05-23-67	6003
A. L. Sims	09-13-68	AR-2
S. E. West	11-13-68	6012
C. L. Brown, Jr.	02-08-71	6005
S. D. Minear	09-11-72	6008
J. N. Westbrook	05-14-73	AR-3
A. V. Freeman	09-11-74	6377
J. L. Seamster	11-07-77	6009"

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This dispute indicates possible involvement of a Third Party, the Brotherhood Railway Carmen of the United States and Canada. The Carmen were notified of the pending dispute and determined not to intervene in this instance.

The claim arose following a reduction in force of second and third shift employees in the Purchases and Materials Department. At that time, the Carrier made procedural rearrangements in which certain materials, including wheels, were delivered to a storage area near point of use, from which Carmen obtained such material for use in their normal work. This replaced a system whereby employees represented by the Organization made separate delivery of the items of the point of Carmen's work. No change was made in inventory control of the materials.

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Award No. 27208
Docket No. CL-27141
88-3-86-3-209

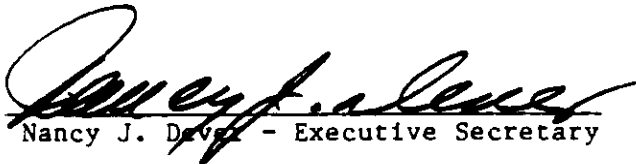
Review of the record shows that this rearrangement does not disturb the Claimants' basic responsibilities nor is such rearrangement specifically prohibited by Rule. The Claimants have failed to meet the required burden of proof to demonstrate that the revised arrangement, in practice at other Carrier locations, is violative of the Agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 20th day of July 1988.