

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Richard C. Teed  
PARTIES TO DISPUTE: (  
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Do the senior clerk/CRT positions in the system finance department come under the provisions of BRAC Rule 33 - the preservation of rate rule? Conrail System Docket CR-3692, New England Division Case 09-85-N-0154."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

In this case, although certain procedural issues have been advanced, we conclude that the Claim is best addressed on its merits.

The record shows that the Claimant had assumed the Supervisor's duties while that person was on vacation. The question before us is whether the Claimant was entitled to the difference in pay between his own rate as Senior Clerk/CRT position and that of the Control Supervisor's position while he performed the Supervisor's duties.

We find that the Carrier's position on this Claim is proper. Pursuant to an October 12, 1982 Agreement, a Clerk/CRT Operator position was designated as a Senior Clerk/CRT Operator to fill in for Control Supervisors when they were absent. A higher rate of pay was established for this "Senior" Operator position because his job description and duties required him to be qualified to assume the duties of the Supervisor when that person was absent. The record shows that the Senior Clerk's position rates are standard throughout the Carrier's system, and that the incumbents fill in for an absent Supervisor without an increase in their rate of pay.

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90-3-88-3-287

In view of all of the foregoing, there is no basis to sustain the  
Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1990.