

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 29327  
Docket No. MS-28810  
92-3-89-3-165

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(J. A. Truchon

PARTIES TO DISPUTE: (

(Indiana Harbor Belt Railroad Company

STATEMENT OF CLAIM:

"That the Indiana Harbor Belt Railroad violated Rules 1, 33(a), 33(i), and the Scope Rule of the schedule Agreement between IHB Railroad and TCU (Clerks) when it abolished Position #700, Chief Clerk to the Comptroller, on October 1, 1987. Therefore, #700 must be reestablished with myself as the incumbent and that I be paid for all wages lost, punitive or otherwise."

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.

Effective October 1, 1987, the Carrier abolished the Claimant's position as Chief Clerk, Job #700, in the Comptroller's Office at Gibson, Indiana. The Claimant thereafter filed a Claim, challenging the Carrier's abolishment of the position.

The Claimant contends that the Chief Clerk position which was abolished was part of a "supervisory group" of employees in the Comptroller's Office. Claimant contends that since those positions performed the same class of work, the lowest paid position should have been abolished rather than his position of Chief Clerk.

However, the record reveals that the Chief Clerk in the Comptroller's Office was the only position coming under the Scope Rule of the Schedule Agreement with the authority and responsibility to supervise, control, and coordinate the work of all of the clerical employees working in the various subdivisions of that department. The Chief Clerk was the only Agreement employee who reported directly to the Comptroller's Office on various matters and, therefore, that position was unique in that department. This Board finds that the position of Chief Clerk was a one-of-a-kind position in the Comptroller's Office, not part of a "supervisory group"; and, therefore, Rule 33(i) has not been violated.

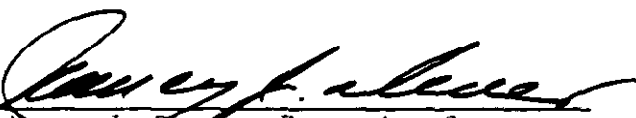
The claim must be denied.

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 24th day of July 1992.