

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES
SOUTHERN PACIFIC COMPANY (PACIFIC LINES)**

DISPUTE.—

"Claim of the Organization that the Carrier violated an existing Wage Agreement and also the Agreement in effect between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, and the Southern Pacific Company (Pacific Lines) by changing titles and reducing rates of pay on position of 'Head Price Clerk', 'Head Purchase Bill Clerk', and 'Head Tracer Clerk', and that:

"The former agreed rates should be restored retroactive to April 1, 1933, effective date of change."

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds 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.

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

The parties to said dispute were given due notice of hearing thereon.

Prior to January 10, 1933, each of the clerical forces of the Division Superintendent of the Sacramento Division, and of the District Storekeeper at Sacramento, were operated and maintained as separate and distinct offices; on or about January 10, 1933, these offices were consolidated. Before the consolidation and for approximately two months subsequent thereto, the District Store Department forces consisted of: one Chief Clerk; one Assistant Chief Clerk; one Head Purchase Bill Clerk, rate \$6.24 per day; one Head Price Clerk, rate \$6.12 per day; one Head Tracer Clerk, rate \$6.12 per day, the three latter positions being the ones involved in this dispute. There are a total of fourteen (14) positions in the consolidated office.

When the rates of pay of the positions in question were established January 1, 1927, under the provisions of the wage arbitration award, employees occupying these positions had supervision over other employees, as follows: Head Purchase Bill Clerk, 4 employees; Head Price Clerk, 4 employees; Head Tracer Clerk, 5 employees. The rates of pay for subordinate employees in the respective bureaus ranged as follows:

Purchase Bill Clerk Bureau, \$4.17 to \$5.45 per day;

Price Clerk Bureau, \$4.66 to \$5.45 per day;

Tracer Clerk Bureau, \$2.80 to \$5.05 per day.

On or about March 6, 1933, the work was permanently rearranged and assigned in the consolidated offices, and positions in question were reclassified and re-rated as follows:

Head Purchase Bill Clerk, reclassified to Purchase Bill Clerk, \$6.00 per day;

Head Price Clerk, reclassified to Price Clerk, \$5.74 per day;

Head Tracer Clerk, reclassified to Tracer Clerk, \$5.45 per day.

There is in evidence a wage agreement bearing effective date of January 1, 1927; also a rules agreement bearing effective date of February 1, 1922, and the following rules of the latter have been cited by the parties:

RULE 5

"New Positions.—The wages for new positions shall be in conformity with the wages for positions of similar kind or class in the seniority district where created."

RULE 6

"Rates.—Established positions shall not be discontinued and new ones created under a different title covering relatively the same class of work for the purpose of reducing the rate of pay or evading the application of these rules."

The petitioner contends that after these positions were reclassified and re-rated, on or about March 6, 1933, occupants continued to perform relatively the same class of work as they did prior thereto and that Rule 6 and the wage agreement were violated by the carrier.

The carrier contends that after the consolidation and prior to the rearrangement and reassignment of work, there were a total of seven supervisory titles as follows: General Chief Clerk, General Assistant Chief Clerk, Chief Clerk of Store Department Unit, Assistant Chief Clerk Store Department Unit, Head Purchase Bill Clerk, Head Price Bill Clerk, Head Tracer Clerk, in an office with a total of fourteen employes; that the three positions in dispute were relieved of all supervisory duties concurrent with the consolidation of the office, on or about January 10, 1933; that the positions, from that time on, were, in fact, nothing more than subordinate positions of the respective bureaus, and that the rates now assigned to these positions are in excess of the rates fixed for non-supervisory positions in the store department, under the wage agreement, effective January 1, 1927.

The carrier further contends that all supervision of the consolidated office is performed by the General Chief Clerk and General Assistant Chief Clerk, and by the Chief Clerk and Assistant Chief Clerk of the Store Department Unit.

A check of duties performed by employes in question for the periods prior and subsequent to March 6, 1933, as submitted by the parties, indicates that all supervision of the bureaus has been removed from the positions, and based upon the whole record of the case, the Division finds that there was no violation of agreements upon the part of the carrier, as alleged by the petitioner.

AWARD

Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

Dated at Chicago, Illinois, this 10th day of August 1936.