

Award No. 6542
Docket No. CL-6417

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Dudley E. Whiting, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

ATLANTA AND WEST POINT RAIL ROAD COMPANY

THE WESTERN RAILWAY OF ALABAMA

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) Carrier violated the current Agreement between the parties when, on July 18, 1951, it abolished position of tonnage clerk, salary \$317.50 per month, assigned to Miss Elizabeth Ward, and on the same date abolished position of inbound clerk, salary \$291.50 per month, assigned to Mr. George T. Gann, instead of abolishing positions paying a lesser rate in accordance with Agreement provisions, at its Montgomery, Alabama Agency, and

(b) That the positions of tonnage clerk and inbound clerk be restored to their former status and all employees adversely affected by the violation be reimbursed in full for all wage loss sustained on July 18, 1951 and subsequent thereto until the condition has been corrected.

EMPLOYEES' STATEMENT OF FACTS: Prior to the abolishment of the two positions here in question, the following scheduled positions were in existence at the Carrier's Montgomery, Alabama Agency on July 1, 1951:

Incumbent	Title of Position	Rate of Pay
1. J. B. Brannan	Assistant Agent	\$374.43
2. F. L. Gartman	Warehouse Foreman	352.22
3. K. H. Jones	Transfer Clerk	311.50
4. E. W. Ward	Tonnage Clerk	317.50
5. F. G. White	Revise Clerk	338.50
6. G. Walker	Expense Clerk	291.50
7. J. P. Brannan	Assistant Revise Clerk	317.50
8. W. L. Ruppenthal	Cashier	343.50
9. N. P. Park	Claim Clerk	333.50
10. G. T. Gann	Inbound Clerk	291.50
11. J. M. Hawkins	Transfer Clerk	311.50
12. G. T. Lutz	General Clerk	275.50
13. T. D. Hawkins	Cashier's Clerk	275.50
14. P. J. Brannon	Accountant	341.50
15. R. A. Harris	Transfer Clerk	301.50

The reductions made were bona fide and in good faith and in compliance with the terms of the working agreement.

There is no merit to this claim and we respectfully request that it be declined.

All data contained herein has been made available to Petitioner.

(Exhibits not Reproduced.)

OPINION OF BOARD: This claim is based upon Rule 14(e) which reads as follows:

"In reducing forces the lowest rated position in the office or department where the reduction occurs will be abolished, providing the efficiency of that office or department would not be impaired by doing so."

It should be noted that the situation involved here is not the usual reduction of force because no one was laid off. What occurred was that the agent retired and was replaced by one of the clerks. Simultaneously the Carrier remodeled the office, obtained new furnishings and rearranged the work to promote great efficiency. Thereby these two positions were abolished and an assistant revising clerk position was established. It appears the evidence presented that the efficiency of the office would have been impaired by abolishing other lower rated positions.

The Organization alleges that such position of the Carrier was not presented on the property and the Carrier avers that it was. In its original submission the Organization states that "the Carrier defends its action on the premise that to have abolished two lesser-rated positions would have impaired the efficiency of this office." Thus it seems obvious that the Carrier's position had been communicated to the employees on the property.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 31st day of March, 1954.