

Award No. 11513

Docket No. CL-10977

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur Stark, Referee

PARTIES TO DISPUTE:

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

SOUTHERN RAILWAY COMPANY

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

(a) The Carrier violated the Agreement when, at Atlanta, Georgia, in the Computer Accounting Center, effective April 1, 1958, it improperly created a position classified as Supervisor of Computer Accounting, and

(b) The Carrier shall now bulletin the Supervisor of Computer Accounting position, and

(c) Shall pay all affected employees all monetary loss suffered from the date Mr. L. M. James was assigned to the Supervisor of Computer Accounting position.

EMPLOYEES' STATEMENT OF FACTS: There is in effect an Agreement between the Parties bearing effective date of October 1, 1938, revised as of June 1, 1952, to include all rules revisions, certain amendments, interpretations and memoranda agreed to subsequent to October 1, 1938. There is also in effect between the Parties a Memorandum Agreement dated November 12, 1956, covering the establishment of Computer Accounting Center in the General Office Building, Atlanta, Georgia. A copy of the effective Agreement is on file with your Division and is by reference made a part of this Submission. Certain Rules, or portions thereof, will be quoted for ready reference and in support of employees' position. A copy of Memorandum Agreement dated Washington, D.C., November 12, 1956, is attached hereto and is referred to as Employees' Exhibit "A".

Rule (1) of the Memorandum Agreement dated November 12, 1956 reads:

"(1) On or after the effective date of this Memorandum, a separate seniority district will be established for the office of Auditor of Computer Accounting, to be known as the 'Computer Accounting Center'. An Assistant Auditor and Supervisor of Computer Accounting will assist the Auditor in the administration, direction, and technical supervision of the computer accounting operations on each shift."

sections (1) and (6) of the memorandum agreement and bulletin a position that is not included in the list of schedule positions which the parties identified by title, seniority roster, and rate of pay in section (2) of the memorandum.

The evidence of record does not support the claim or the contention that the agreement was violated. For the reasons set forth herein, carrier respectfully requests that the claim be denied in its entirety.

All pertinent facts and data used by the carrier in this case have been made known to the employe representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: The dispute involves the application of Memorandum Agreement of November 12, 1956, covering the establishment of the Computer Accounting Center at Atlanta, Georgia. The Organization contends that the Carrier violated the Memorandum Agreement when it established an additional position of Supervisor of Computer Accounting on the second shift.

Section (1) of the Memorandum Agreement provides:

“ * * * An Assistant Auditor and Supervisor of Computer Accounting will assist the Auditor in the administration, direction, and technical supervision of the computer accounting operations **on each shift.**” (Emphasis ours.)

The Agreement specifically provides for a Supervisor of Computer Accounting on each shift. The Board must apply the Agreement as written. (Awards 8676, 9198, 7166) There is no question but that the Carrier complied with the plain provisions of Section (1) of the Memorandum Agreement, and we must, therefore, deny the claim.

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 Employes involved in this dispute are respectively Carrier and Employes 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of June 1963.