

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21001
Docket Number CL-20977

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees

PARTIES TO DISPUTE: (

(Union Pacific Railroad Company
((South-Central District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7744) that:

1. The Carrier violated the controlling agreement between the Brotherhood of Railway, Airline and Steamship Clerks and the Union Pacific Railroad Company when, on May 25, 1973, the Rule 1 (e) position of Chief Clerk to General Yardmaster was abolished from the 8:00 AM shift and the work of the abolished position was assigned to a newly created "Official" position of Assistant to the Terminal Superintendent.

Carrier further violated the agreement when the position of Chief Clerk to the General Yardmaster was established on the 4:00 PM shift without reaching agreement with the Brotherhood.

2. Carrier shall now be required to compensate Claimant W. R. Pendleton and all other adversely affected employees for wage loss suffered by them due to the Carrier's blatant violation of the Rules of the current Agreement.

OPINION OF BOARD: Petitioner's various contentions that certain rules of the Agreement were violated rest on the contention that Carrier's unilateral change in the assigned starting time of a Rule 1 (e) Position from 8:00 AM to 4:00 PM constitutes the creation of an additional position within the purview of rule 1 (f). This Board has rejected that contention in Award 18558. The case is governed by general scope rule principles and petitioner has not affirmed the existence of a supporting system-wide past practice of reserving the involved duties exclusively to Clerks. Therefore, we must deny the claim.

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

That the parties waived oral hearing;

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;

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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

G. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 12th day of March 1976.