

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21190
Docket Number CL-20914

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
Steamship Clerks, Freight Handlers,
Express and Station Employees
Robert W. Blanchette, Richard C. Bond
and John H. McArthur, Trustees of the
Property of Penn Central Transportation
Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7631) that:

1. Carrier violated the Agreement when it abolished the position of Chief Car Control Clerk, the Office, South Worcester Yard & Freight, Worcester, Massachusetts and required and permitted the Supervisor of Yard Procedures to usurp the duties of Chief Car Control Clerk thereby relieving the Chief Car Control Clerk of his assigned duties so that he could perform the duties of the abolished Chief Car Control Clerk position.

2. Carrier shall now be required to return the duties of Chief Car Control Clerk position to the Office, South Worcester Yard & Freight, Worcester, Massachusetts in accordance with our current Clerks' Agreement.

3. Carrier shall now be required to pay Mr. William McGee, seniority date 6:21:41 the penalty rate of the abolished position, Chief Car Control Clerk, \$54.41 per day commencing Monday, August 28, 1972 and to continue as long as the Chief Car Control Clerk's position is occupied by the Supervisor of Yard Procedure.

OPINION OF BOARD: The basic contention of the Employees is that the Carrier violated the Clerks' Agreement with the former New Haven Railroad, when it transferred work of the abolished Chief Car Control Clerk position to the position of Supervisor of Yard Procedures.

Upon the inclusion of the former New Haven in the Merged Company, the terms and conditions of the Merger Protective Agreement became applicable. The Claimant was protected and compensated under that Merger Protective Agreement at the higher rate and sustained no loss. See Awards 21019 and 20921.

The record before us does not support a violation of the applicable Agreement. Therefore, we will 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;

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:



Executive Secretary

Dated at Chicago, Illinois, this 13th day of August 1976.