

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21764
Docket Number CL-21802

James F. Searce, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Western Weighing and Inspection Bureau

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8234), that:

(a) The Bureau abolished Positions No. 83 and No. 84, Service Man (Leadman) at Minneapolis, Minnesota, then created a new Position No. 86, Service Man (Leadman) at the same locations.

(b) By the above action the Bureau violated the Rule Agreement, effective September 1, 1949, especially Rule 12, due to this being a paper abolishment.

(c) Claimants D. N. Newton and N. G. Hentges should be allowed an hourly rate of pay (\$5.03 per hour) for all time being separated from the above position.

OPINION OF BOARD: In Minneapolis the Western Weighing and Inspection Bureau maintains a grain door department, where employees represented by Petitioner perform the work of installing either wooden or paper grain door barricades in preparation of grain loading in box cars at grain elevators.

In the latter months of 1974, WWIB incurred a substantial business decline. As a result of this decline, the Bureau abolished two Leadman - Service Man positions in the Minneapolis area and established a new position combining the former locations assigned to the abolished Leadman positions.

It is argued that these changes violated the terms of the agreement, and specifically, Rule 12 (c), which provides:

"In reducing forces in an office, the lowest rated positions in the class in which the reduction occurs will be abolished."

We can find no violation of Rule 12 (c) or any other rule of the agreement. The newly established position of Service Man (Leadman),

as shown on Bulletin Number 12 dated October 10, 1974, carried the same rate of pay as those of the abolished positions and the same rate as all other serviceman positions. Under these circumstances, there has been no violation of the agreement and the claim will be denied.

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:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 14th day of October 1977.

