

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22666
Docket Number CL-22261

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8448) that:

Claim No. 1

(1) The Carrier violated the Agreement between the parties when, beginning March 21, 1975, it required incumbents of six Clerical positions at Hamilton, Ohio to copy train orders, and

(2) Carrier shall increase rates of pay of involved six (6) Clerical positions at Hamilton, Ohio to \$43.47 per day subsequent general wage increases, effective March 21, 1975.

Claim No. 2

(1) The Carrier violated the Agreement between the parties at Willard, Ohio, beginning February 15, 1976, when it required Telegraphers at "J" Tower to check trains, and

(2) Carrier shall increase rates of pay attached to positions of Telegrapher at "J" Tower, Willard, Ohio in the amount of 85 cents per day, plus all subsequent general wage increases, effective February 15, 1976.

OPINION OF BOARD: In this case Carrier blended some Clerk/Telegrapher duties when it required yard clerks to become qualified with the Book of Operating Rules and on occasion to handle "slow orders". The Organization alleges violation of Article VIII of the February 25, 1971 National Agreement as well as Rules 16 and 17 of the June 4, 1973 Agreement. The essential operative conditions for invoking those respective contractual provisions are not established on this record, to wit: creation of new positions and/or abolishment of positions as a result of combining these duties. Nor can we find

herein that duties of existing positions were materially changed. Accordingly, there is no contract support for the claims and they must 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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of December 1979.