

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22676  
Docket Number CL-22522

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employes  
(  
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8591) that:

1. Carrier violated the terms of the current agreement between the parties when it failed and refused to accord Ms. F. E. Bowie, B. J. Page, D. N. Jenkins or T. S. Black preference in the assignment to position of Secretary to the District Manager of Sales at Memphis, Tennessee, over an employee who held no rights under the scope of the agreement and, in fact, was not employed by the St. Louis-San Francisco Railway Company at the time the vacancy was created.

2. Carrier shall now be required to compensate Ms. B. J. Page an additional day's pay beginning April 18, 1977, at the rate of the secretarial position which she was denied until she was assigned the position on Monday, August 8, 1977.

OPINION OF BOARD: This case involves a claim for an alleged refusal by the Carrier to place a represented employe in a non-represented position, such action involving a voluntary reduction in pay of in excess of \$400 per month.

The pertinent provision of the Agreement merely requires the Carrier to give "preference" to represented employes for non-represented positions such as the one in question here. Nothing has been adduced to suggest that the Carrier did otherwise; indeed, until Claimant Page made known her interest by letter dated July 28, 1977, the record reflects only a verbal inquiry on her part some months earlier which was never pursued. There are various assertions by the Organization on the record which need not be explored here; suffice to say that contentions of the Organization offer nothing to persuade this Board that its claim has merit.

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 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.

A W A R D

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

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