

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 28315
Docket No. CL-28431
90-3-88-3-210

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10270) that:

1. Carrier violated the provisions of the current Clerks' Agreement at Barstow, California, on Friday, December 5, 1986, and every Friday thereafter, when it failed and/or refused to call D. M. Aguayo to protect the rest days of her regular assignment, and
2. D. M. Aguayo shall now be compensated eight (8) hours' pay at the time and one-half of Car Clerk Position No. 6011 commencing Friday, December 5, 1986, and every Friday thereafter, until the violation is corrected, in addition to any other compensation received for the days under claim."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This is the first of three Claims before the Board involving the same factual situation. In this Claim, the Claimant was assigned as a Clerk to Position No. 6009 on the 7:00 A.M. to 3:00 P.M. shift, Monday through Friday, with no relief on the rest days of Saturday and Sunday. The Organization asserts that on November 14, 1986, the Claimant was taken from his regular assignment (Position No. 6009) to work relief on Car Clerk Position No. 6011, an action it contends violates the Agreement.

The Board notes that certain matters have been progressed in the parties' Submissions that were not brought forward on the property. Accordingly, these will not be considered in our deliberations.

The record properly developed on the property shows that the Carrier abolished Relief Position No. 9001 on November 13, 1986. The remaining duties of the abolished position, which the incumbent of Clerk Position No. 6011 performs Sunday through Thursday, were reassigned to the Claimant's Position (No. 6009). The Carrier, in the circumstances that we find here, had the right to abolish Position No. 9001. It then assigned additional duties to the Claimant which previously had been performed on the rest day by the incumbent of Position No. 6011, pursuant to Rule 2-F of the Agreement.

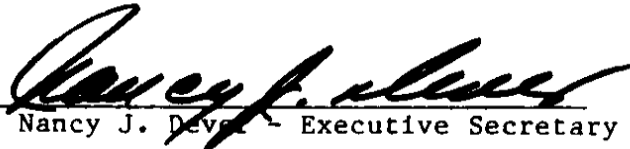
In view of all of the foregoing, the Claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1990.