

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30099
Docket No. CL-30772
94-3-92-3-664

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International
(Union
(Green Bay and Western Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Union (GL-10858) that:

1. Carrier violated the effective agreement when it abolished the position of Agent-Operator at Winona, Minnesota, effective June 30, 1986, and thereafter assigned certain duties of the abolished position to non-employees and employees not covered by said agreement;
2. Carrier shall now compensate Ms. Karen Klarkowski one day's pay at the rate of Agent-Operator for July 1, 1986, and for each and every day thereafter that a like violation occurs."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Claimant's position of Agent-Operator at Winona, Minnesota, was abolished effective June 30, 1986. Following the abolishment, she displaced onto a position at Wisconsin Rapids, Wisconsin. The Organization contends that work once assigned to Claimant at Winona was thereafter performed by non-employees and/or employees not subject to the Agreement. Carrier has stated, without adequate rebuttal, that all necessary clerical work was transferred to employees working under the Agreement at Wisconsin Rapids.

Carrier's assertions have not been refuted in this record. The Organization, as petitioner herein, is obligated to make a showing as to what work subject to its Agreement is being performed by strangers to the Agreement, following the abolishment. This has not been done. Accordingly, the claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin / ds
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 4th day April 1994.