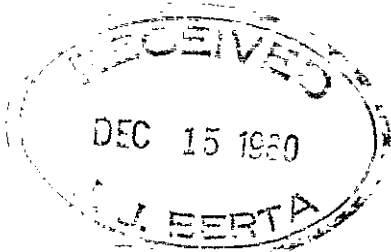


AWARD NO. 32
DOCKET NO. 32
(BU-5477-31)



SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS
vs.
MISSOURI PACIFIC RAILROAD COMPANY
(Southern & Western Districts)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

1. Carrier violated the terms of the Agreement between the parties when it arbitrarily reclassified the position of Agent-Telegrapher at Maplewood, Missouri to that of Agent-Restricted Operator, effective February 16, 1959 without agreement between the parties.
2. Carrier violated the Agreement when effective February 16, 1959 it unilaterally reduced the rate of pay of the Agent-Telegrapher at Maplewood, Missouri from \$2.45 per hour to \$2.17½ per hour,
3. Carrier shall restore the classification of Agent-Telegrapher to the position at Maplewood, Missouri, effective February 16, 1959.
4. Carrier shall pay the incumbent of the position R. Sartain, the difference between the amount paid since February 16, 1959 and the agreed rate of Agent-Telegrapher to which he was entitled."

OPINION OF BOARD:

In the hearing of this dispute, the Board was referred to Award No. 1 of Special Board of Adjustment No. 117 which interpreted the rules with which we are here concerned. This Award is made in the light of that interpretation.

The position of agent-telegrapher here in question was established on May 1, 1939, and on January 23, 1959 the Carrier notified the Local Chairman of its desire to reclassify said position from that of agent-telegrapher to agent-restricted operator with a reduction in rate of pay from \$2.45 per hour to \$2.175 per hour, which was done effective February 16, 1959. It is undisputed in the record that during the period the position of agent-telegrapher was in existence no train order work or other telegraphic duties were assigned to or required of said position; neither was the occupant of the agent-telegrapher position during said period required to attend classes on re-examination of Carrier's operating rules as is required of employees whose duties include the handling of train orders.

At the request of the Organization, an analysis of work units and station earnings was made from Carrier records at Maplewood, the results of which were made available to the Board. Other evidence contained in Carrier's submission concerning the decrease in the number of passenger trains stopping at Maplewood station was offered for the purpose of showing that there had occurred a substantial

decrease in the duties and responsibilities of the position of agent-telegrapher at Maplewood which would justify the Carrier's action in reclassifying the position with corresponding reduction in the rate of pay.

It being undisputed in the record that train order work or other telegraphic duties were not included in the duties and responsibilities of the agent-telegrapher position, it became necessary for the Board to carefully examine other evidence offered in support of the Carrier's position that there had occurred substantial decreases in the duties and responsibilities of the position.

From the evidence placed before this Board, we have concluded the Carrier has failed in the burden of proof required to show a substantial decrease in the duties and responsibilities as contemplated by Rule 2 (f-2) which Award No. 1, Special Board of Adjustment No. 117, held is a condition precedent to the exercise of the Carrier's right to reclassify a position.

For this reason Parts 1, 2 and 4 of the claim must be sustained. Part 3 of the claim should be dismissed for the reason that there is no evidence to support the classification of agent-telegrapher because no telegraph service is required or performed.

FINDINGS: The Carrier did violate the Agreement for the reasons stated in the Opinion of Board.

AWARD

Claims 1, 2 and 4 sustained. Claim 3 dismissed.

SPECIAL BOARD OF ADJUSTMENT NO. 305

/s/ Donald F. McMahon
Donald F. McMahon - Chairman

/s/ R. K. Anthis
R. K. Anthis - Organization Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
September 23, 1960

File 380-1950

(October 13, 1960)