

Award No. 9
Docket No. 10

MOP File VGS-380-1460
ORT File 1139

SPECIAL BOARD OF ADJUSTMENT NO. 117

ORDER OF RAILROAD TELEGRAPHERS
and
MISSOURI PACIFIC RAILROAD COMPANY

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

- (a) The Carrier violated the agreement between the parties to this dispute when it arbitrarily reclassified the position of Star Agent at Fort Scott, Kansas, to a position of Star Agent-Telegrapher, effective Monday, February 15, 1954, and failed to compensate the employe filling this position on the basis of pay due the position of Star Agent-Telegrapher.
- (b) That the Carrier now be required to restore the classification of Star Agent and retain such classification until such time as the position is reclassified in conformity with the rules of the agreement.
- (c) Commencing with February 15, 1954, the Carrier be required to pay to the Agent, A. C. Buchanan, the difference between the amount paid him and the amount due him as Star Agent-Telegrapher under the provisions of the rules of the agreement.

OPINION OF BOARD: The instant dispute involves an alleged improper reclassification of the position of Star Agent to that of Star Agent-Telegrapher at Fort Scott, Kansas.

It is the position of the Organization that certain rules of the applicable agreement were violated when the Carrier arbitrarily reclassified the position of Star Agent at Fort Scott, Kansas, to that of Star Agent-Telegrapher at that location without negotiation with the Organization as to either the change of the classification, the job content or the corresponding wage rate, which action was in contravention of Rules 1, 2, 8, Sections 1(a-2), 1(b) and 2(a), together with Rules 9, 10 and 21.

The respondent Carrier countered that the change in position of Star Agent at Fort Scott, Kansas, to that of Star Agent-Telegrapher was not a change in the classification of said position and that Rule 2(f-2) is not involved, but that what was done merely constituted a change in a job title without any change in the monthly rate of pay, and that the addition of telegraphic duties to the position of Star Agent was within the contemplation of Rules 8, Section 1(b), 10(g), 14(g), and Rule 21, with compensation as provided for in Rules 8, Section 1(b), and 10(g).

Award No. 9
Docket No. 10

The Board finds and so holds that the action of the Carrier here in re-classifying the position of Star Agent at Fort Scott, Kansas, to the position of Star Agent-Telegrapher amounted to a reclassification of the position which remained subject to the provisions of Rule 8, Section 1(b).

The Board is of the further opinion and so finds and holds that the addition of telegraphic duties to the position formerly classified as Star Agent amounted to a substantial and material change in the duties of the position within the meaning of Rule 2(f-2).

The Board is of the further opinion and so finds and holds that the reclassification was within the prerogative of the Carrier within the meaning of Rule 2(f-2) subject, however, to the mutual duties and obligations of the parties to negotiate as to the proper monthly rate for such reclassified position as required by Rule 2(f-2) in conformity with Rule 2(b).

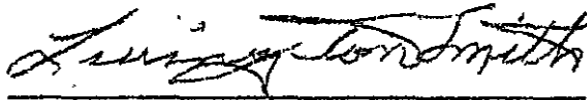
The Board is of the further opinion and so finds and holds that, in light of the above, there shall be no award of monetary reparations herein.

FINDINGS: That the claim should be disposed of in accordance with the above opinion.

AWARD

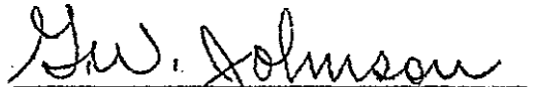
Claim disposed of in accordance with the above opinion.

SPECIAL BOARD OF ADJUSTMENT NO. 117



Livingston Smith -- Chairman


C. O. Griffith -- Employee Member


G. W. Johnson -- Carrier Member

St. Louis, Missouri
May 31, 1956

