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SPECIAL BOARD OF ADJUSTMENT NO. 167

AWARD NO. 10

Organization's File

101-C-17

Carrier's File

CL-43-55

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

"(1) The Carrier violated rules of the current Agreement with the Brotherhood of Railway Clerks, the Memorandum of Agreement dated June 2, 1941, shown in our current Agreement as Supplement 'I' and Mediation Agreement of September 27, 1945, Case No. A-2054, when it abolished Position No. 414, Stenographer, at the rate of \$15.15 per day on June 30, 1955.

"(2) Rate of pay of \$15.15 per day shall be promptly restored to position of Stenographer on the roster of the Consolidated Machine Bureau.

"(3) Senior Stenographer on Roster No. 5, Consolidated Machine Bureau, shall be paid the difference in rate between present rate and \$15.15 per day until this rate is restored."

FINDINGS: In 1941 four rates of pay were established for stenographers in the Consolidated Machine Bureau. In 1945, by agreement, the rate of pay of one Stenographer, Miss Katherine O'Connell, was increased five cents per hour which resulted in making a fifth rated position of Stenographer. Miss Mary McKenzie held the position of Stenographer in the office of Car Accountant - No. 414 - which was carried on the Consolidated Machine Bureau roster, although located in the office of the Car Accountant Department.

When thereafter a vacancy occurred in the O'Connell position, it was bid in by Miss McKenzie. However, she did not take over the duties of the position she had bid in but continued to hold her stenographic position No. 414 with the higher rate of the O'Connell position transferred to her position No. 414 in the Car Accounts Department.

In 1955 the office of Auditor of Passenger Accounting was consolidated with the office of Car Accountant and the Carrier abolished stenographic position No. 414, transferring its duties to the position of secretary to the Auditor of

Passenger Accounting, which was a higher paid position held by an employe of earlier seniority date.

Employees assert that Carrier violated the agreement when it abolished position No. 414 and that its rate of pay should be restored to position of Stenographer on the roster of the Consolidated Machine Bureau on the ground that the agreement obligated the Carrier to maintain the five rates for stenographers on the roster of the Consolidated Machine Bureau.

The record before us does not disclose what happened to the O'Connell position upon the failure of Miss McKenzie to take it over after she bid it in, nor as to whether its work was assigned to another position or disappeared or the job was abolished, nor as to how many rates or positions for stenographers now remain on the roster of the Consolidated Machine Bureau. The only facts before us pertain to the position of stenographer in the Office of Car Accountant - No. 414. It appears therefrom that position No. 414 was no longer needed and that its remaining work was assigned to a higher rated position, the occupant of which held prior seniority date. In such circumstances, position No. 414 was properly abolished. No question of other violation is before us.

AWARD: Claim denied.

/s/ Mortimer Stone  
Mortimer Stone  
Chairman, Neutral Member

Wm. J. Donlon  
Organization Member

/s/ D. L. Clavel  
D. L. Clavel  
Carrier Member