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SPECIAL BOARD OF ADJUSTMENT NO. 167

AWARD NO. 8

Organization's File

101-C-16

Carrier's File

CL-40-55

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 when it established a new position entitled 'Assistant Claim Clerk' at Denver Freight Station at rate of \$14.43 per day,

"(2) The occupant of this position, or his successor, shall be paid the difference between rate of \$14.43 per day and \$14.67 per day for each and every day this position is worked.

"(3) This position shall now be rebulletined at the rate of \$14.67 per day, in accordance with the rules of our current Agreement."

FINDINGS: The position of Assistant Claim Clerk at the Denver Freight Office held a long established rate and its bulletined duties were:

"Have complete working knowledge of handling diversions for Denver Station and yard offices and have knowledge of handling claims and claims correspondence as well as a knowledge of office procedure at Denver Local Freight Station. Must be a typist and also be familiar with handling teletype machine."

Carrier abolished that position on January 11, 1955. On August 8, 1955, it bulletined a position with the same title, location and rate and having assigned duties as follows:

"Must be fully competent to handle and accomplish diversions, carload and LCL and familiar with handling tracers, notification, etc., diversion indexing, and filing. Must have general knowledge of office procedure to assist switch clerks and other positions having to do with the accomplishment of diversions within the office and at Yard offices."

Claim is made for the higher rate of switch clerks for this position on the grounds that it was a new position; that at the time it was bulletined the work as listed in the bulletin was being performed by switch clerks; that the assigned duties included the duty "to assist switch clerks" and that the performance of like work required like pay.

The bulletin duties of the position do not include the unlimited duty to assist switch clerks but only the duty to assist switch clerks and other positions having to do with the accomplishment of diversions. Carrier asserts without denial that the only work performed by the assistant claim clerk consisted of the duties as outlined in the bulletin in connection with the accomplishment of diversions. Switch clerks had other duties to perform in addition to handling diversions. The fact alone that one position performs part of the duties of another position is not sufficient to require the same rate. If, during the period while the work of accomplishing diversions had decreased so that the position of assistant claim clerk was abolished, its remaining duties were assigned as fill-in work to the higher rated position of switch clerk, upon the increase of the work the lower rated position could be reestablished and the diversion work be reassigned that position.

Even if we accept the contention that the position of Assistant Claim Clerk when reestablished was a new position it has not been shown that its rate was not in conformity with positions of similar kind or class in the seniority district.

AWARD: Claim denied.

/s/ Mortimer Stone
Mortimer Stone
Chairman, Neutral Member

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

Wm. J. Donlen
Organization Member