

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES
TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS**

DISPUTE.—"Claim for loss of wages suffered by certain furloughed employees in the Freight Auditor's office due to the action of the management in assigning employees from other seniority districts to perform the work which rightfully belonged to these furloughed employees."

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

The Carrier and the Employees involved in this dispute are respectively carrier and employees 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.

The parties to said dispute were given due notice of hearing thereon.

An Agreement (bearing effective date of February 1, 1922) exists between the parties governing wages and working conditions of employees therein designated, and it is shown that complainant employees were subject to the terms thereof.

Said Agreement, among other things, provides for departmental seniority of employees, and the exercise of same being further limited by Agreement "to given offices, departments, locations, etc."

On the roster confined to the Freight Auditor's office of the Carrier were certain employees on enforced furlough (account force reduction) between the dates of April 13 to May 12, 1934, in which period clerical employees from certain other seniority rosters were engaged (one for one day; one for eight days; one for eighteen days; and one for twenty-six days—a total of fifty-three (53) man-days) to perform clerical work in the office of Freight Auditor.

Various rules of agreement are cited by both parties to show, respectively, that complainant furloughed employees were, or were not, entitled to the fifty-three (53) man-days of work herein last-above described, among them being Rule 68, as follows, to wit:

"Rule 68. *Extra Work.*—When possible, employees suspended on account of reduction in force will be given preference in filling minor vacancies that may occur, and all extra work, seniority to govern."

It is found that the fifty-three (53) man-days of work in the Freight Auditor's office of the Carrier hereinbefore described was extra work.

AWARD

Complainant employees, furloughed from the roster of office of Freight Auditor, whom it may be shown were in fact available to perform the said extra work, shall be compensated at the applicable rate per day for the number of days they were respectively entitled to said work, less any amounts earned by them respectively in other employment.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 8th day of April 1935.

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**INTERPRETATION No. 1 TO AWARD No. 33,
DOCKET No. CL-17**

NAME OF ORGANIZATION: Brotherhood of Railway and Steamship
Clerks, Freight Handlers, Express and Station Employees

NAME OF CARRIER: Terminal Railroad Association of St. Louis

Upon application of the representative of the employees involved in the above award, that this Division interpret the same in the light of the dispute between the parties as to its meaning, as provided for in Sec. 3, First (m) of the Railway Labor Act, approved June 21, 1934, the following interpretation is made:

The Division found: (a) that the fifty-three (53) man days of work in question was extra work; and (b) that furloughed employees were entitled to this extra work under Rule 68.

The Division decided that furloughed employees who were in fact available to perform the said extra work should be compensated therefor, less any amounts earned by them respectively in other employment.

If an employee was engaged in other employment, the award did not mean that he was not "in fact available." It contemplated that such employees would be considered available, as it provided for deductions of amounts earned by them in other employment, in computing compensation due.

The additional information submitted by the parties, at the request of the Division, indicates that clerk Clements was employed at Boulder, Colo., and under the terms of the award, he should not have been considered "in fact available" for the work in question.

The dispute before the Third Division involved only the months of April and May 1934, and amounts earned by furloughed employees in other employment in the month of June 1934 are not deductible in computing compensation due in April or May 1934.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 13th day of March, 1936.