

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Paul Samuell, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO.

DISPUTE.—"O. C. Brown, Telegrapher-Ticket Clerk at Shawnee, Oklahoma, claiming overtime account Supervisory Agent at that point called and performed work regularly assigned to Brown which deprived him of overtime."

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

The Carrier and the Employee involved in this dispute are, respectively, Carrier and Employee 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.

This cause being deadlocked, Paul Samuell was called in as Referee to sit with the Division.

O. C. Brown is the regularly assigned Telegrapher-Ticket Clerk at the passenger station, Shawnee, Oklahoma, with assigned hours 8:30 A. M. to 6:30 P. M., one hour for meals. He performs all of the duties connected with the position during his tour of duty. When passenger train 112, due to arrive at 6:05 P. M., is on time this train is handled during his regular assigned hours by him. On May 3, August 30 and 31, 1933, No. 112 was late, and the Supervisory Agent handled the work on each of these days, resulting in the Telegrapher-Ticket Clerk being deprived of a call in each instance which amounted to six hours at time and one-half time, at the scheduled rate.

Because of the absence of any specific rule contained within the Schedule or Agreement between the Carrier and Employee, in effect January 1, 1928, and continued in effect in May and August of 1933, touching the right or the denial of the right of a Supervisory Agent, who is not included in the Telegraphers' Agreement and who holds no seniority rights under said Agreement, to perform the duties regularly assigned to a Telegrapher-Ticket Clerk, this Division is of the opinion that it should not at this time attempt to interpret the application of the rules in the agreement to this case, but this Division is of the further opinion that this case should not be used at any subsequent time as a precedent for or against the same question under similar circumstances.

AWARD

Claim denied.

By Order of Third Division.

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 24th day of June 1935.