

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES
NORTHERN PACIFIC RAILWAY COMPANY**

DISPUTE.—"Claim dated February 15, 1933, of Marie Siemens for a rate of \$5.37 per day in lieu of \$4.84 per day on position of steno-clerk in the Car Distributor's office at Spokane and for retroactive adjustment to date of claim."

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.

The following Statement of Facts is jointly certified by the parties, and the Third Division so finds:

"On December 18, 1932, the Pasco Division was abolished and a portion of that division was assigned to the Tacoma Division and the balance to the Idaho Division. The Division offices at Pasco were discontinued. The Car Distributor's office at Pasco was discontinued and the Car Distributor formerly located at Pasco was transferred to Spokane.

"Prior to the change in divisions the following forces were employed in the Pasco and Spokane Car Distributor's offices:

"Pasco: 1 Car distributor, 1 C. S. telegrapher, 1 steno-clerk \$5.37 per day.

"Spokane: 1 Car distributor, 1 C. S. telegrapher.

"Subsequent to the change in divisions the following force was employed in the Car Distributor's office at Spokane: 2 Car distributors, 2 C. S. telegraphers, 1 steno-clerk \$4.84 per day.

"When the Car Distributor's office at Spokane was reorganized on December 18, 1932, the position of clerk in that office was bulletined and was awarded to Miss Siemens who was the senior applicant."

The petitioner represents that the character and amount of work assigned to the position of steno-clerk in the Car Distributor's office identifies it as the same position that existed at Pasco prior to December 18, 1932, whereas the carrier represents that, by reason of certain differences in the character and amount of work assigned thereto, the Spokane position was a newly created one within the meaning of the schedule rules.

An Agreement, bearing effective date August 15, 1922, governing wages and working conditions of employees therein designated, is shown to exist between the parties from which Agreement both have cited certain rules said to bear upon the subject of dispute.

The position of steno-clerk in the Car Distributor's office at Spokane is, for all practical purposes, found to be the same as that which existed at Pasco prior to December 18, 1932, and Rule 25 is therefore held to be controlling, as follows:

"**RULE 25. Consolidations.**—When for any reason two or more offices or departments are consolidated, employees affected shall have prior rights to corresponding positions in the consolidated office or department. After such rights have been exercised, these rules will govern."

AWARD

Effective as of February 15, 1933, the position of steno-clerk in the Car Distributor's office at Spokane shall be rated at \$5.37 per day, and the compensation received by Marie Siemens shall be adjusted thereto.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 30th day of September 1935.