

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**Third Division**

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT  
HANDLERS, EXPRESS AND STATION EMPLOYEES**

**MISSOURI PACIFIC RAILROAD COMPANY**

**DISPUTE.**—"Violation of Rules Agreement, effective August 1, 1926, Rule 76, account abolishment Bill Clerk, rate \$4.89 per day, Ottawa, Kansas, and the setting up of position of General Clerk, rate \$4.39 per day; violation of wage agreements September 1, 1923, August 1, 1926, and November 1, 1928, in discontinuing a legally established classification and rate arrived at through negotiation between the Carrier and the Employees. Claim is therefore made in behalf of the occupant or occupants for the difference in the amount of \$4.39 per day and that of \$4.89 per day for the period from November 11, 1933, until corrected."

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

The Carrier and 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.

On or about January 10, 1932, position of Bill Clerk, rate \$4.89 per day was abolished. On November 11th, 1933, position of General Clerk, rate \$4.39 per day was created at Ottawa, Kansas.

There is in evidence an agreement between the parties, bearing effective date of August 1, 1926, and the petitioner cites and relies upon Rule 76 thereof, reading:

"**RULE 76.**—Established positions shall not be discontinued and new ones created under a different title covering relatively the same class of work for the purpose of reducing the rate of pay or evading the application of these rules."

The petitioner also cites and relies upon certain wage agreements, September 1, 1923, August 1, 1926, and November 1, 1928, in which latter agreement the basic rate of position of Bill Clerk at Ottawa, Kansas, was established at \$4.89 per day.

The work of making way and expense bills was and is regularly attached to the position of Cashier and the General Clerk has never been and is not now required to perform this work.

It is found that by the terms of the wage agreement effective November 1, 1928, rate of \$4.39 per day was established for a position classified as Warehouse Clerk, and that the work of the position in question is relatively the same class as that attached to the position of Warehouse Clerk.

**AWARD**

Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,  
*Secretary.*

Dated at Chicago, Illinois, this 2nd day of December 1935.