

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Wm. H. Spencer, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES
ATLANTIC COAST LINE RAILROAD COMPANY**

DISPUTE.—*"Claim of employes that so called positions of gang leaders Savannah River Wharf, Savannah, Ga., are clerks as defined in Rule 2 of Schedule agreement effective August 1, 1925, and request that positions be bulletined as such to clerical employes in the seniority district where located and that retroactive adjustment be made for wage losses sustained for employes involved since January 17, 1935."*

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

The carrier and the employes 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 the hearing thereon.

As a result of a deadlock, Wm. H. Spencer was called in as Referee to sit with the Division as a member thereof.

JOINT STATEMENT OF FACTS.—The Division, in accord with a statement of facts jointly certified by the parties, finds:

"At Savannah River Wharf a number of gangs are employed unloading naval stores from cars into receiving shed, also in the removal of naval stores from receiving shed to storage field after required inspection has been made by government inspectors.

"These gangs are paid the regular trucker's rate of 33¢ per hour; one man in each gang is designated as gang leader. When unloading naval stores from cars the gang leader takes a record of the car number and initial, and the number of barrels and lot marks unloaded from car. After government inspectors complete inspection the gang leader tells his gang when to move the barrels from the receiving shed and where to place them in the naval stores field. The field is divided into sections, each section being numbered. The gang leader makes a stacking sheet which is sent to the office showing the section in which each lot is placed in the field. The office record is made from this sheet by the agency clerical force for use in locating the proper shipments when same are to be shipped out."

RESPECTIVE POSITIONS OF PARTIES.—The petitioner contends that the employees designated as gang leaders are clerical workers within the meaning of Rule 2 (a) of the Agreement between the parties, effective August 1, 1925. The rule relied upon provides:

"Clerical workers.—Employees who regularly devote not less than four (4) hours per day to the writing and calculating incident to keeping records and accounts, rendition of bills, reports, and statements, handling of correspondence and similar work."

The carrier contends that the employees designated as gang leaders are primarily charged with keeping their men at work; and that their clerical work is only a minor incident of their primary responsibility.

CONCLUSIONS OF THE DIVISION.—On the whole record and the evidence, the Division finds that the employees involved in this dispute are gang leaders in fact as well as in name; that their primary responsibility is to

supervise the work of the members of the gangs; and that their clerical work is only incidental to their primary responsibility, and certainly does not consume as much as four hours of their time per day.

AWARD

The claim is denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 6th day of February 1936.