

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY**

DISPUTE.—

"Claim for rate of \$6.43 per day, retroactive to August 15, 1932, for position of claim clerk occupied by Maurice Slattery, Seventh Street Station, St. Louis, Missouri."

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.

Maurice Slattery was regularly assigned to position of chief claim clerk, rate \$6.43 per day, Seventh Street Station, St. Louis, Missouri. New position of station accountant was created in June 1930 and Slattery was assigned this position, rate \$6.87 per day. On July 30, 1932, position of claim clerk, rate \$5.70 per day was established. Effective August 15, 1932, position of accountant, occupied by Slattery, was discontinued and he exercised seniority to position of claim clerk, rate \$5.70 per day.

The employees contend that when Mr. Slattery went to the position of claim clerk, rate \$5.70 per day, he continued to perform relatively the same class of work that he previously performed on position of chief claim clerk, rate \$6.43 per day.

The carrier contended that all supervisory and other related work previously attached to position of chief claim clerk, had been removed from the claim clerk's position.

An agreement bearing effective date of September 15, 1924, exists between the parties and employees cite Rules 54 and 83 thereof in support of claim. These rules read:

RULE 54

"Positions (not employes) shall be rated and the transfer of rates from one position to another shall not be permitted."

RULE 83

"Established positions shall not be discontinued and new ones created under same or different titles covering relatively the same class of work serving the purpose of reducing the rate of pay or evading the application of these rules."

When dispute arose between the parties as to exact status of this position, a joint check was made by the Superintendent and General Chairman, at which time the Superintendent agreed that Slattery was handling all of the claim matters ordinarily coming up in a station the size of St. Louis, and that his work was relatively the same as that of the chief claim clerk, but the Superintendent further contended the supervisory requirements had entirely disappeared. It was claimed by the carrier that the Agent and chief clerk

had taken over some of the duties formerly performed by this position but this was contested by the employee involved. While there is some conflict in that portion of the evidence, this Division is of the opinion that the work performed by Maurice Slattery on the position of claim clerk is relatively the same as that which he performed as chief claim clerk.

AWARD

Claim sustained.

By order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary.*

Dated at Chicago, Illinois, this 31st day of March 1936.