

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 restoration position of SHOP CHECKER, office of master mechanic at Yale, Tenn., with pay for all wage and time loss to E. M. Hansen and other employees concerned, retroactive to June 30, 1932."

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

The carrier and the 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.

E. M. Hansen was regularly assigned position of shop checker, rate \$5.15 per day in the office of master mechanic, Memphis, Tennessee. June 23, 1932, position of shop checker was abolished and effective same date position of comptometer operator, rate \$4.40 per day, was established.

Employees contend that the newly created position performed relatively the same class of work as position of shop checker which had been abolished.

The carrier contended there was no similarity between the two positions and that no rule of the agreement had been violated.

An agreement bearing effective date of September 15, 1924, exists between the parties and employees cite Rule 83 thereof in support of claim: This rule reads:

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."

The preponderating evidence in this case shows that the position in question is properly classified and rated as comptometer operator, rate \$4.40 per day.

AWARD

Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

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

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