

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.—

“(a) Claim that seniority of employes taken over with the Muscle Shoals, Birmingham, and Pensacola Railroad be extended over the entire Southern Division of the St. Louis-San Francisco Railway, and the seniority of employes on the remainder of the Southern Division be extended to the positions on that part of the Southern Division formerly known as the Muscle Shoals, Birmingham, and Pensacola Railroad, and now known as the Pensacola Sub-Division of the Southern Division, without restrictions.

“(b) Claim that seniority of employes taken over with the Miami Mineral Belt Railroad be extended over the entire Northern Division of the St. Louis-San Francisco Railway, and the seniority of employees on the remainder of the Northern Division be extended to the positions on that part of the Northern Division formerly known as the Miami Mineral Belt now known as the Picher Branch of the Afton Sub-Division of the Northern Division, without restrictions.”

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.

Effective August 1, 1928, the St. Louis-San Francisco Railway Company took over operation of the Muscle Shoals, Birmingham, and Pensacola Railroad and agreed to apply the provisions of the Clerks' Agreement to that property, which was thereafter operated as a part of the Southern Division.

Effective January 1, 1930, the St. Louis-San Francisco Railway Company took over operation of the Miami Mineral Belt Railroad and agreed to apply the Clerks' Agreement to that property and since that date the line has been known as the Picher Branch of the Afton Sub-Division of the Northern Division.

The management notified the General Chairman of the Clerk's Organization on July 28, 1928, of the above facts in connection with the Muscle Shoals, Birmingham and Pensacola Railroad and on January 4, 1930 in connection with the Miami Mineral Belt Railroad. In connection with the latter it was stated it was the intention to consolidate seniority of employees on that line with seniority of employees on the Northern Division rosters. This was supplemented with letter January 23, 1930, stating the arrangement as to seniority was made with the proviso that the Miami Mineral Belt Railroad employees would start their seniority on the remainder of the Northern Division as of January 1, 1930 and Frisco employees on the Northern Division would start their seniority on the Miami Mineral Belt as of the same date.

The committee contended such action was not in accordance with Rule 21 of the agreement defining seniority districts. The seniority district for the

Transportation Department of the Southern Division is defined to be "Southern Division, including office of Superintendent, Division Engineer, General Foreman B. & B., Superintendent Terminals, etc., including Memphis station and yards, excluding Birmingham and Springfield Terminals."

The seniority district for the Transportation Department of the Northern Division is defined to be "Northern Division, including office of Superintendent, Division Engineer, General Foreman B. & B., etc., excluding Kansas City and Springfield Terminals, excluding Monett."

It is shown to have been the practice under agreements effecting previous similar consolidations for employees of this class to first displace to their own level on their original line, and then merge the seniority into one Division seniority roster, and thus afford the employees affected their divisional rights as contemplated in Rule 21.

AWARD

Claim sustained per last finding.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

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