

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 of U. M. Boles and Edward Clingan for the difference between rate of \$4.30 per day and \$2.12 per day, retroactive to Jan. 14, 1932, for days worked position of station helper or warehouseman at Cabool, Mo."

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.

At different times prior to July 4, 1931, there existed at Cabool, Mo., a position (Roster #2) classified as warehouseman, rate \$4.30 per day, it being discontinued as of that date. On January 9, 1932, position of cashier was abolished, and position classified as station helper, rate \$2.12 per day, was created.

Petitioner contends that the rate \$4.30 per day for a warehouseman was a negotiated and agreed upon rate; that it was the proper rate under the wage and rules agreements; that position with such title and classification was used during different periods at Cabool, and that position created and classified as station helper January 9, 1932, performed relatively the same class of work as that attached to position formerly classified as warehouseman.

Carrier contends that prior to 1928 there had been in existence position of night helper at Cabool, rate \$1.90 per day, and that the position created January 9, 1932, classified as station helper, rate \$2.12 per day, was proper under the wage and rules agreements, that being the standard rate for station helper on the Southern Division seniority district. The carrier further contends that railroad business had decreased to such a point that there was no longer need for position classified and rated as warehouseman.

There are in existence agreements between the parties covering wage rates bearing effective dates of October 1, 1925, and August 2, 1928. There also exists a rules agreement bearing effective date of September 15, 1924, Rules 54 and 83 thereof being cited, which rules read:

RULE 54

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

RULE 83

*"Rates of Pay.—*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 Third Division finds that the duties attached to position established and classified as station helper, January 9, 1932, are of relatively the same class of work as those attached to position formerly classified as warehouseman, for which there was a negotiated and agreed upon rate of pay of \$4.30 per day; that Rule 83 governs, and that, based upon the whole record, position should be reclassified and re-rated effective April 1, 1936.

AWARD

Position of station helper at Cabool, Mo., shall be reclassified and re-rated as warehouseman, rate \$4.30 per day, effective April 1, 1936.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

Dated at Chicago, Illinois, this 16th day of April 1936.