

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES
SOUTHERN PACIFIC COMPANY (PACIFIC LINES)**

DISPUTE.—

"Claim of the employees that rate of \$6.18 per day should have been established for position known as Assistant Time Checker-Clerk, No. 237, in the Superintendent's office at Portland, Oregon, that was created on permanent basis March 1, 1935, and that the employee filling that position should be allowed back pay for the difference between that rate and \$5.45 per day, and that position be rebulletined."

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

The carriers 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.

Prior to August 1932, Portland Division timekeeping was performed by employees in the Superintendent's office at Portland, Oregon, in a Timekeeping Bureau supervised by a Head Timekeeper. Rates of pay were agreed to between the carrier and representatives of the Brotherhood, for each individual position, dependent on the character and extent of assigned duties and responsibilities.

In August 1932 a Central Timekeeping Bureau was established in the General Offices at San Francisco, taking over the major portion of timekeeping, theretofore performed by the Division Timekeeping Bureau. Checking timeslips and other related work, which could not be satisfactorily handled from San Francisco, was assigned to such positions as were retained or created in the Division Superintendent's office at Portland.

The position of Head Timekeeper was retained, and such other positions as were, from time to time, necessary to perform the work incident to timekeeping still required of the Division forces. On or about March 1, 1935, a position designated as Assistant Time Checker-Clerk was established, at rate of \$5.45 per day. The Brotherhood protested, requesting a rate of \$6.18 per day, contending violation of Rule 5 of the agreement between the petitioner and the carrier.

There is in evidence an agreement between the parties bearing effective date of February 1, 1922, and the following rules thereof have been cited by the parties:

RULE 4

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

RULE 5

"New Positions.—The wages for new positions shall be in conformity with the wages for positions of similar kind or class in the seniority district where created."

RULE 7

"Preservation of Rates.—Employees temporarily or permanently assigned to higher rated positions shall receive the higher rates while occupying such positions; employees temporarily assigned to lower rated positions shall not have their rates reduced.

"A 'temporary assignment' contemplates the fulfillment of the duties and responsibilities of the position during the time occupied, whether the regular occupant of the position is absent or whether the temporary assignee does the work irrespective of the presence of the regular employee. Assisting a higher rated employee, due to a temporary increase in the volume of work, does not constitute a temporary assignment."

The petitioner contends that based upon the wage agreement of January 1, 1927, and Rule 5 of the current agreement, the position in question should have been rated at \$6.18 per day.

The carrier contends that under the wage agreement cited and Rules 4, 5, and 7 of the current agreement, the correct rate for this position is \$5.72 per day.

Based on the whole record in this case, including checks of the work performed, submitted by each of the parties, this Division finds that by application of the rules involved, the proper rate for the position in question is \$6.03 per day.

AWARD

Claim sustained on basis of \$6.03 per day.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary.*

Dated at Chicago, Illinois, this 10th day of August 1936.