

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES**

THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

DISPUTE.—

"Claim of employees that position now classified as Station Helper, Garfield, Utah, and rated at \$4.05 per day be reclassified as Clerk and rated at \$4.56, retroactive to date position was established, August 3, 1935, and that such reclassified position be properly bulletined."

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.

The parties have jointly certified the following facts and the Third Division so finds:

"Effective January 31, 1933, in reduction of force, the position of Clerk at rate of \$4.56 at Garfield Station, Utah, was abolished.

"Effective August 3, 1935, a position designated as Station Helper at rate of \$4.05 per day was established and is still maintained.

"Request of the Employees for reclassification and adjustment in rate of pay for this position was denied by the Management.

"This claim is for 51 cents per day."

There is in evidence an agreement between the parties bearing effective date of February 1, 1926, and Rule 70 thereof, reading has been cited.

"**RULE 70.** 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."

Petitioner contends that Garfield, Utah, is located on the Salt Lake Division Superintendent's seniority district, which district also comprises the stations of Helper and Provo, and that the minimum rate for clerical positions at these latter stations, where similar work or duties of lesser responsibilities is required by the occupants thereof, is \$4.56 per day; that in 1931 when a similar position was established at Garfield, rate \$4.05 per day was increased to \$4.56 per day by Decision No. 29, August 9, 1932, Line Board of Adjustment, under the provisions of Rule 70, and that Rule 70 was violated by the carrier in establishing a rate of \$4.05 per day for this position, August 3, 1935.

Carrier contends that all duties performed by occupant of position in question are confined to office or inside work in the agent's office, under the agent's immediate supervision; that they are not the same duties performed by occupant of position covered by Decision No. 29 of the Line Board of Adjustment; that the duties of position affected by the Line Adjustment Board Decision were

those of Yard Clerk, and that occupant of position now in dispute performs following duties:

"Transferring weights from weight sheets to waybills and waybill reference to the weight sheets-----	1 hr. per day.
Taking valuation certificates according to waybills, inserting value on waybills, rating according to value, figuring extension for freight bills, tearing and assembling freight bills, making transmittals and conversing with the smelter about checks of cars-----	5 " " "
Making abstracts-----	1 " " "
Making car reports on local days, writing up cars in and out, keeping up demurrage records, etc-----	1 " " "
	<hr/> 8 " " "

The Third Division finds that while there has been a change in the duties of the position in question, as compared with the position dealt with in Decision No. 29 of the Line Board of Adjustment, referred to, yet a comparison of the duties and responsibilities of the two positions justify that the claim be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD,
By Order of Third Division

Attest: H. A. JOHNSON
Secretary

Dated at Chicago, Illinois, this 17th day of November, 1936.