

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Frank M. Swacker, Referee

PARTIES TO DISPUTE:

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

**THE CHICAGO, ROCK ISLAND AND PACIFIC
RAILWAY COMPANY**

(Frank O. Lowden, James E. Gorman, Joseph B. Fleming, Trustees)

STATEMENT OF CLAIM: "Claim for adjustment in rates of pay under the provisions of rule 69, of clerical positions in the office of Freight Agent at Oklahoma City, as follows:

Title	Rate Effective April 3rd, 1936	Claimed Rate Effective April 3rd, 1936
Chief Bill Clerk	\$149.50	\$155.00
Assistant Bill Clerk	137.00	142.50
Demurrage Clerk	142.00	150.00"

EMPLOYES' STATEMENT OF FACTS: "Effective April 3rd, 1936, position of Chief Claim Clerk, rate \$147.00 per month, Oklahoma City freight office, was discontinued and the full 8-hour assignment of work formerly handled by this position was distributed as follows:

"Position of Chief Bill Clerk was assigned to handle the making of over, short and damage claims.

"Position of Assistant Bill Clerk was assigned the work of checking all fruit and perishable freight, the operation of vents and plugs on refrigerator cars in line with standard refrigeration instructions and checking the team track.

"Position of Demurrage Clerk was assigned the additional duties of checking nine tracks in the yard.

"This re-arrangement of work and reduction of force was put into effect by the carrier without conference with the employees' representatives."

CARRIER'S STATEMENT OF FACTS: "Effective April 3, 1936, position of Chief Claim Clerk in the Oklahoma City freight house, rate \$147.00 per month, was discontinued, and the work formerly handled by the holder of that position was distributed to the other clerical employees in that office."

POSITION OF EMPLOYES: "Agreement between the carrier and employees' organization, parties to this dispute, effective as revised January 1st, 1931, contained the following rule:

The employees to whom the work was assigned had sufficient time in which to do it within their assigned hours.

"Thus it will be seen that the principle set up in Rule 68 and supplemented in Rules 66, 67 and 69 has been literally followed in the instant case, because the work of the Chief Claim Clerk remaining after position was discontinued was distributed to employees receiving a higher rate of pay, with the exception of 45 minutes' work assigned to the Bill Clerk and 45 minutes' work assigned to the Demurrage Clerk, but this one hour and thirty minutes' work was, as shown, work which had been previously handled by yard clerks at the rate of \$124.00 per month, and therefore was not work of a character which would require an adjustment in the rate of pay, because there was not a 'sufficient' increase in the duties and responsibilities of the positions named in assuming work which properly belonged to a lower-rated position.

"There is no necessity for reestablishing the position of chief claim clerk at Oklahoma City, because the work of that position subsequent to April 3, 1936, has been satisfactorily handled by other employees, and there has not been 'sufficient' increase in the duties and responsibilities or a sufficient change in the character of work to warrant consideration being given to an increase in the rates of the three positions named. The claim of the employees in this as well as in your Board's Docket 603, should be denied."

OPINION OF BOARD: This is another of the series of cases referred to in Award No. 607, wherein restoration of the position of chief claim clerk was sought and awarded; and the present case is a claim for readjustment of salaries growing out of reassignment of duties from the abolished position which was done without regard to the provision for conference contained in the joint interpretation to rule 69. While there is evidence of some increase in the duties and responsibilities and change in the character of the work, due to the failure to hold such conference, the board is without sufficient evidence to determine what adjustment, if any, should be made and consequently should remand the case for conference with the right, in case of failure to agree, to the petitioners to return the matter to the board with such evidence as may be developed by the conference.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the case is remanded for conference and adjustment in conformity with rules.

AWARD

Case remanded for conference and adjustment as indicated by Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 29th day of April, 1938.