

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

SALT LAKE CITY UNION DEPOT AND RAILROAD CO.

STATEMENT OF CLAIM: "Claim of System Committee of the Brotherhood that Messrs. W. L. Edwards and A. G. Thornwall, janitors, Salt Lake City Union Depot and Railroad Co. be compensated for loss incurred account not being used as baggage helpers during the period Dec. 19th to Dec. 22nd, 1935, inclusive."

EMPLOYEES' STATEMENT OF FACTS: "Dec. 19th to Dec. 22nd, 1935, inclusive, additional baggage helpers were required at the Salt Lake City Union Depot and Railroad Company; two Denver & Rio Grande employees were used on the four days in question. Messrs. Edwards and Thornwall, janitors, holding seniority rights on the Salt Lake City Union Depot and Railroad Co. property requested that they be assigned this work and were refused.

"An agreement exists that all schedule rules in the contract existing between the Denver & Rio Grande Western Railroad and the Brotherhood will be applied on the property of the Salt Lake City Union Depot and Railroad Company, which agreement does not establish seniority rights for Denver & Rio Grande Western employees on the Salt Lake City Union Depot and Railroad Company property.

"Listed below is Seniority Roster of employees of the Salt Lake City Union Depot and Railroad Company, coming under the jurisdiction of the Brotherhood of Railway Clerks' agreement; this roster is as of Jan. 1, 1937.

Name	Occupation	Date in Group 2	Date in Group 1
John Eklund	Baggage Clerk	12- 4-94	12- 4-94
D. J. Clawson	Chief Baggage Clerk	7- 5-09	7- 5-09
Jess Woodson	Porter	7-16-12	
J. S. Smith	Night Baggage Clerk	7- 3-19	7- 3-19
J. A. Holt	Baggage Helper	9-16-20	9-16-20
W. J. Stoker	Baggage Helper	11-13-22	11-13-22
L. A. Hanson	Porter	10-22-23	10-22-23
O. H. Hendrickson	Porter	5-20-24	
Alma Jorgensen	Porter	6-21-34	
F. C. Brown	Ticket Clerk	9-18-34	9-18-34
W. L. Edwards	Relief Clerk	4-28-35	5-14-35
A. G. Thornwall	Porter	11-21-35	
Eugene Lund	— — — —	6- 7-36"	

night, which is evidence that it was not known when they were used how long they would be employed.

"The Carrier contends in this case that there is no schedule rule which requires the use of regularly assigned employees coming within the scope of the clerks' agreement on extra or temporary work and, therefore, there is no justification for this claim."

OPINION OF BOARD: In the instant case, due to the Christmas rush, it was necessary for the carrier to augment its regular force of baggage and mail helpers from employees of another carrier as there were no extra or furloughed employees on the roster. All of the station forces at the Union Depot were working.

It had been the practice to use Messrs. Edwards and Thornwall, janitors, on extra baggage helper's work, outside of their regular assigned hours, and Edwards worked overtime as baggage helper on three of the four days involved. The extra work performed by D&RGW employees on the days in question was all performed during Edwards' regular tour of duty.

Based upon the facts and circumstances of this particular case, Edwards should not receive additional compensation; but Thornwall should receive additional compensation at overtime rate as baggage helper on each of the four days involved, computed from the time the extra work commenced, to his regular starting time at 10:00 P. M.

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 claim of Edwards be denied, and Thornwall shall receive additional compensation at overtime rate as baggage helper for actual time work was performed, computed from time the extra work commenced, to his regular starting time, 10:00 P. M.

AWARD

Claim of A. G. Thornwall sustained for additional compensation at overtime rate as baggage helper for 1 hour and 30 minutes, December 19; 2 hours and 45 minutes, December 20; and 2 hours and 30 minutes on each December 21 and 22. Claim of W. L. Edwards denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 27th day of May, 1938.