

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

THE KANSAS CITY SOUTHERN RAILWAY CO.

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that the Carrier violated agreement rules when on January 22, 1938 it abolished position in its General Offices classified as Interline Clerk, rate \$6.18 per day and concurrent therewith assigned the major portion of the duties thereof to lower rated employes, also claim that said position shall be reestablished and employes affected by said violation shall be reimbursed for all monetary loss sustained."

EMPLOYES' STATEMENT OF FACTS: "The two parties to this dispute entered into an agreement, effective June 16, 1937 governing wages, hours of service and conditions of employment of the class of clerical, office, station and store employes of the Carrier and as a supplemental part of said agreement (Identified as Supplemental Agreement No. 1) the rates of pay existing on positions made subject to the scope and operations of said agreement were established as the legal and agreed upon rates of pay on said positions.

"There was in existence, as of June 16, 1937, and continued to remain in existence until January 22, 1938, a clerical position in the Carrier's General Office classified as Interline Clerk and rated at \$6.18 per day.

"The preponderating duties and major responsibilities which constituted the substance of said position and governed the classification and rate of pay thereof were:

1. Rendition of recapitulations of Received Abstracts of foreign line waybills settled by the K. C. S. Ry. Co.;
2. Checking Foreign Line Abstracts to K. C. S. Interline Forwarded reports for settlement of waybills issued by Agents;
3. Rendition of Transit Report covering waybills issued but not settled during the current month;
4. Preparation and rendition of statements showing differences between advances and prepaid billed and settled;
5. Checking corrections issued by Agents on prior month's billing and issuing correction accounts thereon, and
6. Checking Interline Forwarded accounts covering Peno, Oklahoma to end of line.

"On or about January 22, 1938, the Carrier abolished said position of Interline Clerk hereinbefore described while all of the duties thereof continued to exist and concurrent therewith the Carrier required the incumbent

handled it is necessary that all these clerks at certain times do about the same class of work; that is, the higher rated clerks may be doing some of the less important work while at other times the lower rated clerks may help with some of the higher rated work. As a matter of fact, the various and sundry duties are all an integral part of the whole and with the exception of the head clerk there is little justification for considering that there is high rated and low rated work in this group.

"The differentials in rates of pay for this group were not established principally for the purpose of compensating for the difference in grade of work performed, but more for the purpose of providing steps or higher rates for the senior clerks. A check of the seniority roster with the payroll shows the senior men are receiving the higher rates of pay.

"During the conference held July 23, 1938, the information now shown on Exhibit A was handed General Chairman Moore for perusal, but he showed but little interest in it and returned it without comment."

OPINION OF BOARD: Upon all the facts and circumstances of this particular case, the Board feels that the action of the carrier in abolishing the position in question should not be disturbed.

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 action of the carrier shall not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 11th day of October, 1939.