

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Lloyd K. Garrison, Referee

PARTIES TO DISPUTE:

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

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that a rate of \$8.22 per day shall be established and maintained on position of Assistant Chief Clerk, Shreveport Consolidated Freight Office in lieu of rate of \$6.74 per day (rate adjusted to \$7.08 per day) retroactive to October 2, 1939."

EMPLOYES' STATEMENT OF FACTS: "Effective with October 1st, 1939, the Louisiana and Arkansas Ry. Co. closed their Local Freight Office and Warehouse in Shreveport, Louisiana, and all work formerly done in their Office and Warehouse was taken over by the Kansas City Southern Ry. Co.

"A. 'Memorandum of Understanding' (copy of which is attached to and made a part of this submission) governing the operation of the coordinated Offices and Warehouses of the Kansas City Southern Ry. Co. and the Louisiana and Arkansas Ry. Co., effective October 1st, 1939, was signed on September 22nd, 1939, by representatives of the two interested Carriers and of the Brotherhood.

"Section 3 of this 'Memorandum of Understanding' reads as follows:

'3. It is understood that the coordinated operation will be under the supervision of the Kansas City Southern, and covered by the agreement between the Brotherhood of Railway Clerks and the Kansas City Southern, except as herein specifically set forth, and as otherwise provided for under the terms of the Washington Agreement; it being understood that the terms and conditions of the Washington Agreement shall apply to all employees affected by this coordination.'

"The position of Assistant Chief Clerk is an entirely new position made necessary by reason of increase in the forces of that station as a result of merger and consolidation of the services of this Carrier with those of the Louisiana and Arkansas Railway Company.

"The duties and responsibilities of position of Assistant Chief Clerk requires knowledge and ability to perform work of all positions in that Office over which the Assistant Chief Clerk may or does exercise supervision."

OPINION OF BOARD: This case is governed by the Opinion in CL-1241, Award No. 1151, and is disposed of accordingly.

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 employe involved in this dispute are respectively carrier and employe 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 current agreement was not violated.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 30th day of July, 1940.