

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Richard F. Mitchell, Referee

PARTIES TO DISPUTE:

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

WABASH RAILWAY COMPANY

(Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that daily rate of position No. 9-A, stenographer in office of Car Shop Superintendent, Decatur, Illinois, be adjusted from \$5.13 to \$5.60 per day, and the incumbent, Miss Pauline Snyder, compensated for the difference in rate of 47 cents per day, retroactive to February 1, 1937, account of position having been assigned duties and responsibilities formerly assigned to positions paying higher daily rates and which were discontinued."

EMPLOYEES' STATEMENT OF FACTS: "On or about February, 1932, three clerical positions assigned in office of Car Shop Superintendent, Decatur, Illinois, were abolished by bulletin notice. These positions were classified as timekeeper, general clerk and typist-clerk. They were listed on the payroll as positions Nos. 3, 5 and 2, with established daily rates of \$6.32, \$5.79 and \$5.20, respectively.

"Position of stenographer with daily rate of \$4.73 was retained in the office following the discontinuance of the three assignments. This position continues to exist in office of Car Shop Superintendent and is now listed on the payroll as position No. 9-A with a daily rate of \$5.13."

POSITION OF EMPLOYEES: "Following the abolishment of positions Nos. 3, 5 and 2, with established daily rates of \$6.32, \$5.79 and \$5.20, respectively, certain duties of these positions were transferred to position No. 9-A, with title of stenographer, and the incumbent of the position, Miss Pauline Snyder, was required to assume work approximating a total of 174 hours per month which had previously been performed by the incumbents of the three positions for which a higher daily rate of pay had been established.

"In support of this claim the committee appends hereto and by reference makes a part hereof, Employees' Exhibit No. 1, which is a true copy of statement prepared and signed by Miss Pauline Snyder, the regular assigned occupant of position No. 9-A.

"Attention of the Board is invited to the detailed duties as listed in the statement, from which it will be noted that approximately forty-five (45) hours per month are devoted to work for which a rate of \$6.32 per day had previously been paid. Nineteen (19) hours per month are devoted to work for which a rate of \$5.79 per day was formerly paid. Approximately one hundred and ten (110) hours per month are devoted to work for which the present rate would be \$5.60 per day, had the rate been retained.

approximately five years after the establishment of the Mechanical Department Centralized Accounting Bureau on February 18, 1932, and the further fact that the alleged dispute referred to herein was not submitted to the Board until more than four years after it was first called to the attention of the carrier on February 1, 1937, and more than three years after the claim was declined by the chief operating officer.

"The fact that this alleged dispute has been permitted to drag in the manner described above is conclusive evidence that the alleged claim set up in the committee's ex parte statement of claim is without foundation under the rules of the Schedule for Clerks; otherwise, it would have been progressed to the Board within a reasonable time from the date it was first called to the attention of the carrier on February 1, 1937.

"For reasons stated in the foregoing, the alleged dispute referred to herein should be dismissed for lack of jurisdiction."

OPINION OF BOARD: There is a material dispute in the facts involved in this claim. Effective February 18, 1932, the mechanical department time-keeping, accounting, etc. were centralized in one office at Decatur, designated as the mechanical department centralized accounting bureau. On that date certain higher rated positions in the car shop superintendent's office at Decatur, Illinois were abolished but position known as 9-A, Stenographic, in the office of car shop superintendent, was continued. It is the contention of the claimant, Miss Pauline Snyder, that she has been required to perform clerical and stenographic work for which there were agreed to higher rates of pay and because of those higher rated duties being so assigned, the position in question should be rated \$5.60 per day effective July 1, 1937, the date on which this claim was originally filed with the carrier.

Practically the only evidence that is submitted to sustain her claim is that of Miss Snyder herself and the record shows that Miss Snyder did not become the occupant of position 9-A until December 7, 1934, approximately two years and ten months after the change was made. Opposed to her contention are the statements of the chief clerk in the office of car shop superintendent at Decatur, Illinois and of the chief clerk in the office of superintendent of motive power at Decatur, Illinois, who were familiar with the duties of the work on the date it was abolished.

After a careful review of the entire record, this Board is of the opinion that the claimant has failed to sustain her claim.

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 employee involved in this dispute are respectively carrier and employee 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 there was no violation of the current agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of November, 1941.