

Award No. 2010
Docket No. CL-1925

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Michael L. Fansler, Referee

PARTIES TO DISPUTE:

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

GREAT NORTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees:

1st.—That the Carrier violated the provisions of the Rules Agreement in filling three positions of Warehouse Watchmen at the Great Northern Merchandise Dock at Superior, Wisconsin, with employees excepted from the provisions of the Rules Agreement with the Brotherhood.

2nd.—That these positions shall now be bulletined and assigned to the senior qualified applicant in accordance with provisions of Clerks Current Agreement.

EMPLOYEES' STATEMENT OF FACTS: The office, station and warehouse watchmen were placed under the Rules Agreement of the Brotherhood effective October 1st, 1925.

These positions were filled by employees holding rights in Station and Yard Service up to and including December 15th, 1937. On this date, these positions were refused to the clerical employees without negotiations and were filled by the Special Agent's Department. Protest was filed and positions returned to Station and Yard Service employees.

On March 15th, 1938, we were again advised that hereafter these positions would be filled by the Special Agent's Department.

Since March 15th, 1938, the Carrier has refused to recognize the right of Station and Yard Service employees to fill these positions.

"Rule 1. These rules shall govern the hours of service and working conditions of the following employees, subject to the exceptions noted below:

"(1) Clerks.
(a) Clerical workers;
Machine operators.

"(2) Other office and station employees—such as office boys, messengers, chore boys, train announcers, gatemen, baggage and parcel room employees, train and engine crew callers, operators of certain office or station appliances and devices, telephone switchboard operators, elevator operators, office, station and warehouse watchmen and janitors.

not heretofore included, which extension is clearly outside the jurisdiction of this Board, and as such, must be denied.

OPINION OF BOARD: The services here involved were never performed by members of the claimant Brotherhood except in the cases of the three Dock foremen in closed season. Before rendering such services the foremen took a leave of absence and were temporarily employed by the Special Agents Department.

All employees of the Special Agents Department are excepted from the Agreement without limitation as to the character of duties. When the foremen performed the services in question during leave of absence they were undoubtedly employees of the Special Agent and no right to the work accrued to the Brotherhood by reason thereof.

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

The carrier has not violated the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 8th day of October, 1942.