

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

H. Nathan Swaim, Referee

PARTIES TO DISPUTE:

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

**GULF COAST LINES, INTERNATIONAL-GREAT NORTHERN
RAILROAD COMPANY, SAN ANTONIO, UVALDE & GULF
RAILROAD COMPANY, SUGARLAND RAILWAY COMPANY,
ASHERTON & GULF RAILWAY COMPANY**

(Guy A. Thompson, Trustee)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier is violating the Clerks' Agreement at McAllen, Texas, by requiring or permitting employees not covered by the Clerks' Agreement to perform work that is covered by the Clerks' Agreement. Also

(b) Claim that the Carrier be required to assign the work here involved to employees who hold seniority rights and work under the Clerks' Agreement.

EMPLOYEES' STATEMENT OF FACTS: At the time the claim dealing with this subject was last filed, the station force at McAllen consisted of the following:

Agent	8:00 A. M. to 5:00 P. M.
Telegrapher	8:00 A. M. to 5:00 P. M.
Cashier	8:00 A. M. to 5:00 P. M.
General Clerk	8:00 A. M. to 5:00 P. M.
Trucker	8:00 A. M. to 5:00 P. M.

The Agent's position is not covered by any agreement. The Telegrapher's position is covered by the O. R. T. Agreement, and the other three positions are covered by the Clerks' Agreement.

The Carrier states that, between 8:00 A. M. and 5:00 P. M., there is 27 hours and five minutes work performed that is covered by the Clerks' Agreement, as follows:

Agent	40 minutes
Telegrapher	2 hours, 25 minutes
Cashier	8 hours
General Clerk	8 hours
Trucker	8 hours
Total	27 hours, 5 minutes.

OPINION OF BOARD: This Award is controlled by the decision in Docket CL-2162, Award No. 2253, in which the essential facts were the same. The contentions and principles were there fully considered and for the reasons therein stated, this claim must be sustained.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the carrier and the employes involved in this dispute are respectively carrier and employes 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 carrier violated the agreement as stated in the claim.

AWARD

The claim is sustained as to (a) and (b).

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 10th day of August, 1948.

DISSENT TO AWARD NO. 2257, DOCKET CL-2166

The Award in this case declares it to be controlled by the decision in Award No. 2253, Docket CL-2162

Accordingly, that which has been said in dissent to Award No. 2253 is applicable to the Opinion in the Award in the instant case, and reference thereto is made for that purpose.

(s) C. C. Cook
(s) C. P. Dugan
(s) R. F. Ray
(s) A. H. Jones
(s) R. H. Allison