

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Edward F. Carter, 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 violated the Clerks' Agreement on January 20, 1943, when it denied Miss Berta Willey the right to work overtime in the performance of work regularly assigned to and performed by her. Also

(b) Claim that Miss Willey be paid three and one-half hours' overtime because of the agreement violation.

**EMPLOYES' STATEMENT OF FACTS:** Miss Willey is employed as Bookkeeper in the Auditor's Office at Houston.

On January 20, 1943, certain work in the Auditor's Office, regularly assigned to and performed by Miss Willey, had to be completed by working overtime.

Miss Willey worked one hour's overtime at the end of which she was required to suspend work. The remainder of Miss Willey's work, three and one-half hours, was completed by other employees.

The Carrier has never questioned the fact that the work should have been, under the agreement, performed by Miss Willey. (See Exhibits A, B, C, and D)

**POSITION OF EMPLOYES:** The facts, circumstances and rules involved in this case are identical with those involved in the following claim which has been submitted to your Honorable Board:

"Claim of the System Committee of the Brotherhood that:

"(a) The Carrier violated the Clerks' Agreement on January 20, 1943, when it denied Mrs. Pauline B. Cobb the right to work overtime in the performance of work regularly assigned to and performed by her. Also

"(b) Claim that Mrs. Cobb be paid four (4) hours overtime because of the agreement violation."

In the instant case, Miss Willey was given preference to work overtime after her assigned hours as is provided for in Section B, Article 45 of the current Agreement with the Clerks' Organization and worked the full amount of overtime which the Carrier could permit her to work and comply with the Texas State Law governing the hours of service of female employees.

Based on the facts and evidence herein submitted, Carrier respectfully requests your Honorable Board to deny the claim of the employees.

**OPINION OF BOARD:** The record discloses that Berta Willey was employed as a Bookkeeper in the Auditor's office at Houston, Texas. On January 20, 1943, she was entitled under the terms of the current agreement to work overtime for 4½ hours. She was permitted to work one hour in addition to her regular eight hour assignment and thereupon ordered by the Carrier to cease work because of a Texas statute prohibiting women from being worked more than nine hours in any twenty-four hour period.

The facts, circumstances and rules involved in this case are identical with those involved in Award No. 2433, Docket CL-2416, decided herewith and the result is governed entirely by the opinion accompanying that award. The record will not, therefore, sustain an affirmative award.

**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 carrier did not violate the current Agreement in giving effect to a Texas statute prohibiting women from being worked more than nine hours in any twenty-four hour period.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 18th day of December, 1943.