

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

UNION RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Union Railway Company that the Carrier violated the Clerks' Agreement:

1. When on February 10, 1946, following the assignment of Clerk W. A. Rasbach, per Agent's Bulletin No. 6 to the position of Check Clerk, job No. 23 at Memphis, Tennessee, hours 12 Midnight to 4 A.M.; 4:30 A.M. to 8:30 A.M., rate \$6.81 per day, it failed to release him from the position of Yard Clerk, hours, 3:59 P.M. to 8 P.M.; 9 P.M. to 12:59 A.M., and transfer him promptly to the position to which he was assigned and held him on the Yard Clerk job, February 11, 12, 13, 14, 15 and 16, and did not permit him to go to his regular assignment until effective February 17, 1946.

2. That Clerk W. A. Rasbach shall be compensated at the pro rata rate of \$6.81 per day for the 7 hours—1 A.M. to 4 A.M.; 4:30 A.M. to 8:30 A.M. of his regular assignment which he was not permitted to work, and

3. That Clerk W. A. Rasbach shall be compensated in the amount of difference in straight time which he was paid and punitive time to which he is entitled for the hours required to work on the Yard Clerk job outside of his regular assignment, 3:59 P.M. to 8 P.M.; 9 P.M. to 12 Midnight, for the period February 11 to February 16, both dates inclusive.

NOTE: In handling of the dispute on the property it will be noted the hours of the Yard Clerk's job are stated as 4 P.M. to 1 A.M., exclusive of one hour meal period. However, in the General Chairman's letter to President Mr. Lamb, June 29, 1946, page 3, second paragraph, it will be noted this matter is clarified. The correct hours of assignment are shown in Employees' Exhibit "3-A."

The rates of the position shown as \$6.71 and \$6.81 are those in effect prior to the application of subsequent increase of 16c per hour, or \$1.28 per day, which increases were awarded effective as of January 1, 1946.

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 employees 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;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That bearing thereon has been held but not concluded. Under date of April 15, 1947, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 25th day of April, 1947.