

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

H. Nathan Swaim, Referee

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

(Guy A. Thompson, Trustee)

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

1. When on Saturday afternoons, commencing September 22, 1945, following the effective date of the Arbitration Board's Award No. 43, Case A-1627, as of September 1, 1945, and as herein shown on September 28, October 5 and October 12, 1946, the Management required the clerical employees in the Office of Auditor Passenger Receipts, whose normal and regular Saturday tour of duty ended at 12:40 P. M., to work until 4:55 P. M., their ordinary and normal quitting time on other days of the week, in the performance of work that was not necessary to be performed on Saturday afternoons within the meaning of the Saturday Afternoon Rule—Arbitration Award 43, Case A-1627, dated August 21, 1945, and as subsequently interpreted by the Reconvened Board in its rulings dated June 28, 1946.

NOTE: As evidence of the practice prevailing in this office, there is herein cited in the first paragraph of Employees' "Statement of Claim," the specific condition that prevailed on Saturdays, September 28, October 5 and October 12, 1946. This citation is made as being representative of conditions that prevailed in this office on other Saturdays, subsequent to September 22, 1945, and continuing as of this date, account Management's refusal to properly apply provisions of the Arbitration Board's Award mentioned above.

2. That Gladys Merseal, Gladys Lee Robert, Marjorie Freeman, John T. Mulderig, Joseph P. Ryan, Frances B. Thaxton, M. M. Thomann, Edgar C. Simonds, Clarence Witzl;

Dorothy Creel, Martha Dixon, Helen Kriska, Madeleine Schmidt, Thomas J. Caudle, Billie V. Davis, L. H. Taylor;

Louise Be Sell, Frank H. Gieson, Sr., F. E. Herd, Julius C. Griffio, A. B. Huebner, Robert C. Marriott, O. W. Grohmann, Ann E. Goodman, Margaret Dailey, Margaret O'Toole, Dorothy Ziegler, Marvin R. Pellet, Vito Caradonna, Mrs. Gloria Patch Dotson, Sam Candela, Ida Wolff, Gladys Merseal, Walter H. Klasing, Mary F. Brown, Doris Hesser, Elizabeth Kuehner, et al., clerical workers in the Office of Auditor Passenger Receipts, be compensated at the punitive rate of time and one half time additionally for 3½ hours or actual time worked beyond their normal quitting time on Saturday, September 22, 1945 and subsequent Saturdays that such service was performed as provided for in Overtime Rule 25 of the Current Clerks' Agreement.

2. That the rule here involved has been in effect for approximately a quarter of a century and has been interpreted by the representatives of the organization as not requiring the payment of additional compensation for services performed on Saturday afternoon within the hours of their regular 8-hour assignment, and, further, that to have awarded a rule which would require the additional payment of time and one-half for services performed on Saturday afternoon within eight hours of the employees' regular assignment would have been contrary to the provisions of the agreement between the various Carriers' Conference Committees and the representatives of the Fifteen Cooperating Railway Labor Organizations of January 17, 1944 and the restrictions contained in the Wage Economic Stabilization Act of October 2, 1942 and executive orders thereunder as interpreted and applied by the Chairman of the National Railway Labor Panel and as understood and interpreted by the various other tribunals in the Northern Pacific and Atlantic Coast Lines cases.

OPINION OF BOARD: The factual situation presented by this Docket is almost identical with that presented by Docket CL-3658, and likewise presents the question of the interpretation and application of Arbitration Board's Award No. 43, Case A-1627, effective September 1, 1945, as interpreted by the Reconvened Board June 28, 1946.

The question presented by this Docket is, therefore, for all practical purposes the same as was presented by said Docket CL-3658 in which we have this day rendered an award.

For the reasons assigned in the Award in Award 3720 we here also hold that the Carrier did not violate the Saturday Afternoon rule as set out in Arbitration Board's Award No. 43, by requiring the claimants to work on the Saturday afternoons in question.

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 Employees 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; and

That the Carrier did not violate the Saturday Afternoon Rule, as contended by the claimants.

AWARD

The Claims presented in this Docket are denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of November, 1947.