

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

UNION PACIFIC RAILROAD COMPANY

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

(a) The Carrier violated the Clerks' Agreement at Pendleton, Oregon on February 19th, 20th, 21st and 26th, 1946 by requiring telegrapher, an employee not covered by the Clerks' Agreement, to receive, deliver and make collections on baggage and cream shipments.

(b) Claim that Clerk Fred F. Hess should be paid 3½ hour call on February 19th, 3 hour call on February 20th, 3 hour call on February 21st, and 3 hour call on February 26th, and Leon Ruck one hour at punitive rate from 7 a.m. to 8 a.m. on February 20th.

EMPLOYEES' STATEMENT OF FACTS: Prior to February 19, 1946 the Station Force at Pendleton, Oregon was as follows:

Freight Office (BofRC)

1 Chief Clerk	8 a.m. to 12 n.	1 p.m. to 5 p.m.
1 Cashier	7 a.m. to 11 a.m.	12 n. to 4 p.m.
1 Revision Clerk	7 a.m. to 11 a.m.	12 n. to 4 p.m.
1 Bill Clerk	9 a.m. to 1 p.m.	2 p.m. to 6 p.m.
1 Bill Clerk-Foreman	8 a.m. to 12 n.	1 p.m. to 5 p.m.

Baggage Room (BofRC)

1 Baggage Clerk	7 a.m. to 11 a.m.	12 n. to 4 p.m.
1 " "	4 p.m. to 12 m.n.	
1 " "	11 p.m. to 7 a.m.	

Ticket Office (BofRC)

1 Ticket Clerk	9 a.m. to 5 p.m.
1 " "	4 p.m. to 12 m.n.
1 " "	10 p.m. to 6 a.m.

Telegraphers—(ORT)

1 Telegrapher	8 a.m. to 4 p.m.
1 " "	4 p.m. to 12 m.n.
1 " "	12 m.n. to 8 a.m.

work incident to a position outside of a Clerks' Agreement may flow from such position to positions under the Clerks' Agreement and then, if it decreases, back to the position to which it is incident. See Awards 806, 1405, 1418, 2138, 2334, 3211, 3735 and 3989 of this Division." (Emphasis supplied.)

The Board also stated:

"Ticket selling is clerical work and this Board has said that a Telegrapher with telegraphic duties to perform may properly perform clerical work, which is incident to or in proximity of his telegraphic work, to such an extent as to fill out the telegraphic assignment. See Awards 4288, 4355 and 4477 of this Division. As stated in Award 4477:

'When the work of clerks exceeds that which the telegrapher can perform and it becomes necessary to increase forces, the excess clerical work belongs to clerks and must be assigned to them. If the work recedes to the point where the telegraphers can perform it all, it is the clerks and not the telegraphers which must be cut off when telegraphic work remains to be performed.'

The claim presented is without merit and should be denied.

The Carrier reserves the right, if and when it is furnished with the submission which may have been or will be filed ex parte by the Organization in this case, to make such further answer as may be necessary in relation to all allegations and claims as may be advanced by the Organization in such submission, which cannot be forecast by the Carrier at this time and have not been answered in this, the Carrier's initial submission.

(Exhibits not reproduced.)

OPINION OF BOARD: Based upon all of the facts and circumstances of this particular case the Board is not disposed to disturb the action of the Carrier.

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 employee 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 action of the carrier will not be disturbed.

AWARD

Claim (a and b) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 26th day of June, 1950.