

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Thomas C. Begley, Referee

PARTIES TO DISPUTE:

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

RAILWAY EXPRESS AGENCY, INC.

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

(a) The agreement governing hours of service and working conditions between the Railway Express Agency and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, effective September 1, 1949, was violated at Springfield, Missouri, when, November 23, 1950, in making a run-around on call of H. O. McManis, Cashier-Money Clerk, Carrier declined to permit him to work his regular assignment; and

(b) He shall now be compensated for 8 hours' pay at time and one-half rate at \$284.02 basic per month for November 23, 1950.

EMPLOYEES' STATEMENT OF FACTS: H. O. McManis, with seniority dating from July 3, 1920, during the week November 19 to 25, 1950, was assigned to vacation relief on position 1, group 4, titled "Cashier-Money Clerk," hours of assignment 8:40 A. M. to 5:40 P. M., meal period 12:00 noon to 1:00 P. M., days of rest Saturday and Sunday, salary \$284.02 basic per month. November 22, 1950, McManis was notified that his position would not work November 23, 1950 (Thanksgiving Day), account legal holiday, hence he should not report for work that day.

Investigation developed the fact, however, that November 23, 1950, furloughed employe C. R. Whiteman was called and worked, 8:40 A. M. to 6:10 P. M., performing duties normally and customarily attaching to position 1, group 4.

January 4, 1951, Vice Chairman W. W. Watson filed claim with General Agent E. E. Taylor in McManis' favor for 8 hours' pay at time and one-half rate for November 23, 1950, setting forth the fact that position 1, group 4, worked on that date, although McManis, the regular incumbent, was denied the right to perform the work. (Exhibit "A") January 10, 1951, General Agent Taylor declined the claim. (Exhibit "B") January 12, 1951, Vice Chairman Watson appealed to Superintendent P. C. Ausbrook from General Agent Taylor's adverse decision. (Exhibit "C") January 19, 1951, Superintendent Ausbrook declined the claim. (Exhibit "D.")

these positions in order to provide a full day's work for one employe. That was what was done in this case. Employes have completely failed to establish that furloughed employe Whiteman on November 23, 1950, substantially performed the duties of a Cashier. The claim for a full day's pay at time and one-half rate for Cashier McManis on that date is entirely without merit, and unsupported by the facts, and should be denied.

All evidence and data have been considered by the parties in correspondence and in conference.

(Exhibits not reproduced.)

OPINION OF BOARD: Decision herein is governed by our Award 6078, Docket CLX-6088.

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 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 Agency did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 6th day of February, 1953.