

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier has violated and continues to violate the rules of the Clerks' Agreement in permitting and/or requiring the Yardmasters to perform routine clerical work at Portola, California, and

(b) Mr. Everett Humphreys, Crew Clerk at Portola, California, is entitled to and shall now be additionally compensated for 8 hours at the overtime rate for October 5 and 6, and November 11, 1955, account Yardmaster performing routine duties normally and regularly performed by Crew Clerks.

(c) Messrs Everett Humphreys and H. D. Manit, First and Second Trick Crew Clerks, respectively, at Portola, California, and their relief and/or successors are entitled to and shall now be compensated for eight hours at the overtime rate (in addition to compensation already received for service performed on such days), for each day, beginning October 5, 1955, on which the Yardmaster has performed routine clerical work on their respective shifts, except as otherwise covered by claim (b) above. This claim to continue until the violation is corrected.

NOTE: The dates on which the violations occurred to be determined from a joint check of Carrier's records and/or records maintained by the employees.

FINDINGS: The Third Division of the Adjustment Board, 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;

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

That hearing thereon was waived by the parties. Under date of September 2, 1958, the parties jointly advised the Secretary of the Third Division of their desire to withdraw 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: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 16th day of September, 1958.