

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE:

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

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

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

(1) The Carrier violated the terms of the currently effective agreement between the parties when on or about November 20, 1954 it abolished the rest day and holiday assignments on the ticket clerk position at Sapulpa, Oklahoma thus reducing the position from a seven day position to a five day position and concurrently therewith transferred the ticket work and baggage work to employees who hold no seniority or other rights under the Clerks' Agreement on the rest days and holidays of the ticket clerk position.

(2) All ticket and baggage work be restored to the ticket clerk position on rest days and holidays and

(3) Mr. C. D. Moore, Ticket Clerk, Sapulpa, and/or his successors be reimbursed for all losses sustained until corrected.

EMPLOYEES' STATEMENT OF FACTS: The clerical force at Sapulpa at the time of this violation consisted of a Chief Clerk-Cashier, five days per week; a rate clerk, hours 2:45 P.M. to 11:45 P.M. seven days per week; and a ticket clerk, 5:45 A.M. to 2:45 P.M., seven days per week. (See Employees' Exhibit 1 (a).) All ticket and baggage work was assigned exclusively to those three employees seven days per week during the hours of their assignment, there being no passenger trains outside the hours of the rate clerk and ticket clerk. (See Employees' Exhibits 1 (b) and 1 (c).) This situation has existed at least since December 5, 1942. (See Employees' Exhibit 1 (d).)

Although our records are incomplete, information taken from seniority lists indicates that there were two ticket clerks and one ticket cashier positions from the time of our first agreement with the Carrier effective July 1, 1922. Sometime the latter part of 1931, two of the ticket clerk positions were abolished leaving only the ticket cashier with afternoon hours which covered all evening passenger trains. At that time, the morning ticket work was

This dispute concerns the right of telegraphers to perform clerical work and as there are other parties involved than the ones represented, within the meaning of Section 3 (j) of the Railway Labor Act, and to whom no notice has been given, the Carrier submits that for this reason alone, if no other, the claim here presented should be denied or dismissed.

All data submitted in support of Carrier's position have been presented to the employees or duly authorized representative thereof and made a part of the particular question in dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: As of October 1954 the Ticket Clerk position at Sapulpa, Oklahoma was regularly assigned seven days per week, a relief clerk being assigned to the position on Thursdays, Fridays and holidays. The assigned duties of the position consisted of selling tickets, handling baggage, delivering freight from the warehouse, and other tasks as assigned by the Agent. Two other positions also covered by the Clerks' Agreement existed at this location, namely: A five day position of Chief Clerk-Cashier regularly assigned Monday through Friday; and a seven day position of Rate Clerk, the assigned hours of which were outside those of the Ticket Clerk position. The station force at this location also included three seven day Telegrapher positions, each being assigned to a different track.

In November 1954 the Carrier discontinued the relief theretofore provided for the Ticket Clerk position, thus reducing said position to five days. At the same time, the assigned days of the position were changed to Monday through Friday. Thereafter the selling of tickets and handling of baggage which had been performed by the Ticket Clerk (or his relief) on Saturdays, Sundays and holidays was performed by a Telegrapher. The Organization contends the Carrier violated the subject Agreement by transferring the work in question to employees not covered by said Agreement. Although various contract provisions are cited in the Petitioner's behalf, particular emphasis is placed on Rule 43 (g), dealing with work on unassigned days.

The record discloses that the volume of passenger business had been declining at Sapulpa. For the twelve months ending November 30, 1954, average monthly passenger revenue amounted to \$1761.32, representing an average monthly sale of 155 tickets, or about five tickets per day. Passenger business continued to decline at this point after the Carrier took the action which precipitated this dispute. Thus for the first eight months of 1955 passenger revenue at Sapulpa fell to a monthly average of \$1383.70, which represented the sale of 113 tickets per month. More significant, however, is the evidence that during the twelve months ending in November 1955, the ticket sales by Telegraphers on Saturdays, Sundays and holidays averaged about one ticket per day. The baggage checked and handled on Saturdays, Sundays and holidays during the same twelve month period averaged less than two pieces per 24 hours.

It is clear from the foregoing review of the facts that there remained only an insignificant amount of ticket and baggage work to be performed on the days in question. It further appears that there continued to be a need for the seven day assignment of Telegraphers at this location. Under the particular facts of this case, we are unable to find that the Carrier's action was in violation of the subject Agreement.

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January, 1959.