

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

NEW YORK CENTRAL RAILROAD COMPANY (Western District)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that the Carrier violated the Rules Agreement effective September 1, 1922, as modified or revised effective April 1, 1923 and September 1, 1949 when

1. On December 1, 1954 Carrier arbitrarily changed the rest days on Rate Clerk Position No. 4 at Hillsdale, Michigan from Saturday and Sunday to Sunday and Monday, thereby depriving the incumbent of Position No. 4, Mr. J. M. Sloan, of performing his regularly assigned work on each Monday, and

2. When on Saturday, December 4, 1954, and Monday, December 6, 1954, the Carrier arbitrarily combined the duties of Positions No. 2, No. 4, No. 6 and No. 10 at Hillside, Michigan, and

3. That Mr. J. M. Sloan or any other regularly assigned incumbent of Rate Clerk Position No. 4 shall be compensated for eight (8) hours at straight-time rate of Position No. 4 for each Monday since December 1, 1954, and

4. That Messrs. E. R. Wade, J. E. Rodesiler, W. B. Peters, C. A. Taylor and J. M. Rodesiler, as incumbents of Positions No. 2, No. 6 and No. 10, on the various dates involved since December 1, 1954 be paid at the punitive rate of Positions No. 2, No. 6 and No. 10 for the number of hours of work regularly assigned to Positions No. 2, No. 6 and No. 10 which was performed on each Saturday by the incumbent of Position No. 4. Such days and hours to be determined by a joint check of Carrier's records at Hillsdale, Michigan.

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 carrier and 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;

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

That hearing thereon has been held and concluded. Under date of October 27, 1959, 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 18th day of November, 1959.