

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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**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 parties' Agreement effective January 1, 1946, by permitting outsiders, i. e., Agents, Telegraph Operators, Maintenance of Way Department laborers, and employes of the Frisco Transportation Company to usurp the work normally attached to workers of the class and craft embraced within the scope of said agreement at Okmulgee, Oklahoma.

(2) H. L. Conkin, Clerk, Okmulgee, be additionally paid one call (two hours), unless otherwise specified, at overtime rate on the following dates, account employes of the Frisco Transportation Company loading and unloading their cargo outside the permissible space of ten feet within the door of the warehouse:

Date of Claims										
1958										
Mar.	Apr.	May.	June	July	Aug.	Sept.	Oct.	Nov.	Jan.	
17	1	1	5	3	5(2)	2(2)	1(2)	4	28	
18	2	2	6	7	6(2)	3	2	5		
19	4	6	12	8	7	4	3(2)	6		
20	8	7	13	9	8	5	4	8		
21	9	8	14	10	9	8	6	15		
24	10	13	16	12	12	9(2)	7(2)			
25	11	14	17		13	10(2)	8			
26	12	15(2)	18(2)		14(2)	11	9			
27	14	16	19		15	12(2)	10			
31	15	19	20		18(2)	15(2)	11			
	16	20	21		20	16	13			
	17	21	22		21(2)	17	14			
	18	22	24		22	18(2)	15			
	21	23	27		26	20	17			

1958									
Mar.	Apr.	May.	June	July	Aug.	Sept.	Oct.	Nov.	Jan.
	22	26	28		27(2)	21(2)	18		
	23	28	29		29	22	21		
		29				26	23		
		30				27(2)	24		
						29	25		
							27		
							28		
							30		
							31		

(3) H. L. Conkin, Clerk, Okmulgee, be additionally paid one call (two hours), unless otherwise specified, at overtime rate on the following dates, account the Day Telegraph Operator working in the warehouse during the afternoons loading and unloading trucks after the claimant was off duty:

1958			1959	
Oct.	Nov.	Dec.	Jan.	Feb.
15	3	1	5	2
16	4	2	6	3
17	5	3	7	4
21	4	8	5	
22	6	4	8	5
23	10	9	15	
24	12	10	16	
27	13	15	20	
28	14	16	21	
29	17	17	22	
30	18	18	23	
31	21	19	26	
	24	22	27	
	25	23	28	
	26	24	29	
	28	26	30	
		31		

(4) H. L. Conkin, Clerk, Okmulgee, be additionally paid one call (two hours) unless otherwise specified, at overtime rate, account Night Telegraph Operator working in the warehouse unloading **FTC** trailer at certain specified times prior to and subsequent to time claimant goes on duty at 3:00 A. M. Claim one call, unless otherwise specified, on following dates:

1958		1959	
Nov.	Dec.	Jan.	Feb.
25	5(1')	6(1')	3
	9	7	4
	10(2' 30")	8	5
	12	9	6
	16	14	
	18	15	
	19	16	
	23(45")	23	
	24	27(30")	
	30(1')	28(45")	
		30	

(5) H. L. Conkin, Clerk, Okmulgee, be additionally paid account General Agent Wallace and the Telegraph Operators loading and unloading freight (glass):

Date	Time Claimed
10-20-58	1 hour overtime
10-23-58	1 hour overtime
11-07-58	2 hours overtime
12-29-58	2 hours overtime
1-19-59	1 hour overtime

(6) H. L. Conkin, Clerk, Okmulgee, be additionally paid one call (three hours' pay), account Telegraph Operator checking cars in train yard between 1:00 A. M. and 1:48 A. M., August 9, 1958, that were to move out on an extra.

(7) H. L. Conkin, Clerk, Okmulgee, be additionally paid one hour at overtime rate, account Section Laborer cleaning up (sweeping) warehouse during the afternoon of November 13, 1958.

(8) H. L. Conkin, Clerk, Okmulgee, be additionally paid one call (three hours' pay) account Agent handling loading of a car of cattle on August 11, 1958.

**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 employees involved in this dispute are respectively carrier and employees 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 November 16, 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 7th day of December, 1959.